HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

22° VICTORIÆ, 1859.

VOL. CLIII.

COMPRISING THE PERIOD FROM

THE ELEVENTH DAY OF MARCH, 1859,

TO

THE NINETEENTH DAY OF APRIL, 1859.

Second and last Volume of first Session 1859.

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TABLE OF CONTENTS

TO

VOLUME CLIII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. New Members Sworn.
Index, &c.

I. Subjects of Debate in the House of Lords.

Friday, March 11.

The Ionian Islands—Notice of Motion *withdrawn* by Earl Grey ... 1
The Danubian Principalities—Question of the Earl of St. Germans ... 4
Debtor and Creditor Bill—Report—Motion of Lord St. Leonards for the insertion of a Clause, *negatived* by a Majority of 9—Division List—Bill to be read 3ª on *Thursday* next 5
Church Rate Relief Bill—Bill *presented* by the Duke of Marlborough—Bill read 1ª 10

Monday, March 14.

Contracts with Electric Telegraph Companies—Motion of Lord Stanley of Alderley for Papers—Motion *agreed to* 88
Court of Chancery Accommodation Bill—Bill *presented* by the Lord Chancellor—Bill read 1ª 89

Tuesday, March 15.

The Stade Dues—Question of the Earl of Clarendon 167

Thursday, March 17.

Debtor and Creditor Bill—Bill read 3ª—Motion of Lord Cranworth for the Omission of Clauses 95 to 98, *negatived* by a Majority of 15—Division List—Bill *passed* 224
Convict Prisons Abroad Bill—Bill read 2ª 235
Montenegro—Question of the Earl of Clarendon 236

TABLE OF CONTENTS.

FRIDAY, MARCH 18.

Page
The Irish Magistracy—Question of the Marquess of Londonderry ... 305
Education (Ireland)—Intermediate Education—Question of the Bishop of Down and Connor 308
The Water-Colour Society—Question of Lord St. Leonards 308
India—The Governor General's Answer to Despatch—The Queen's Proclamation—Motion of the Marquess of Clanricarde for Papers — Motion *withdrawn* 312

MONDAY, MARCH 21.

Leasing Powers (Ireland)—Question of the Earl of Bandon 386
County Courts Bill—Bill read 2ª 386

TUESDAY, MARCH 22.

Marriage Law Amendment Bill—Order of the Day for the Second Reading read—Amendment of Viscount Dungannon, That the Bill be read a Second Time this Day Six Months—Amendment *agreed to* by a Majority of 10—Bill to be read 2ª on this *Day Six Months* 483

THURSDAY, MARCH 24.

The Companies Act (1859) Bill—[Formerly Trading Companies Winding-up Bill]—Re-commitment—House in Committee 678
Medical Act (1858) Amendment Bill—House in Committee 687

FRIDAY, MARCH 25.

The Ionian Islands—Sir John Young—Explanation—Question of the Earl of St. Germans 793
The Westminster Clock—Question of Lord Campbell 793
Deserted Children in Ireland—*Presentation* of Petition by the Marquess of Clanricarde 794
Indian Finance—Motion for an Address by the Earl of Ellenborough—Motion *agreed to* 796
Mr. Ex-Baron Pennefather—Question of the Earl of Leitrim 810

MONDAY, MARCH 28.

British Shipping—*Presentation* of Petition by Earl Grey 903
The State of Europe—Question of the Earl of Clarendon 904
Manor Courts, &c. (Ireland) Bill—Bill read 3ª 909
Railway Tickets Transfer Bill—Bill read 2ª 911

TUESDAY, MARCH 29.

Juries in Civil Causes Bill—Order of the Day for the Second Reading read—Amendment of Lord Wensleydale, That the Bill be read a Second Time this Day Six Months—*Resolved* in the *negative*—Bill to be read 2ª on this *Day Six Months*—Division List 1010

THURSDAY, MARCH 31.

Indictable Offences (Metropolitan Districts) Bill—Third Reading *put off* to *Monday* next 1149
Manslaughter Bill—Bill read 2ª 1150

FRIDAY, APRIL 1.

The Salt Trade to China—Question of Lord Stanley of Alderley ... 1264
Ministerial Explanation—The Vote on the Representation of the People Bill—Explanation of the Earl of Derby 1265

MONDAY, APRIL 4.

Ministerial Statement—Statement of the Earl of Derby 1266
Railway Tickets Transfer Bill—Bill read 3ª 1298

TUESDAY, APRIL 5.

Page
The Divorce Court—Observations of Lord Campbell 1380
East India Loan Bill—Bill read 1ª 1382
Recreation Grounds Bill—Bill read 2ª 1382

THURSDAY, APRIL 7.

East India Loan Bill—Bill read 2ª 1474

FRIDAY, APRIL 8.

Private Bills—Resumption in next Parliament—Motion of Lord Redesdale ... 1528
The State of Europe—Observations of the Marquess of Clanricarde ... 1529
Indictable Offences (Metropolitan Districts) Bill—Order of the Day for the Third Reading read—Order *discharged*, and Bill (by leave of the House) *withdrawn* 1530
Affidavits by Commission Bill, &c.—Bill read 2ª 1544
Petitions of Right Bill—Order of the Day for the Second Reading read—Order *discharged* 1544

MONDAY, APRIL 11.

Court of Chancery—The new Courts—Motion of Lord Redesdale for Papers—Motion *agreed to* 1595
The Irish Mails—Question of Lord Monteagle 1600

TUESDAY, APRIL 12.

Thames Watermen and Lightermen Bill—Recommittal of the Bill ... 1617
Medical Act (1858) Amendment Bill—Commons' Reasons considered—Bill read 2ª 1624

THURSDAY, APRIL 14.

The Thames Watermen and Lightermen Bill—Personal Explanation of Lord Ebury 1688
Foreign Affairs—Notice of Ministerial Statement *postponed* 1689
India—Vote of Thanks to the Governor General and Civil Officers—The Military Commanders and Forces—Resolutions of the Earl of Derby *agreed to* ... 1690

FRIDAY, APRIL 15.

Local Government Supplemental Bill—Bill read 2ª 1773
Red Sea and India Telegraph Company (No. 2) Bill—*Moved,* that the Bill be now read 3ª—Motion (by leave of the House) *withdrawn*—Bill *discharged* ... 1773
India—Education—Motion of the Duke of Argyll for Papers—Motion *agreed to* 1778

MONDAY, APRIL 18.

The Red Sea Telegraph—Question of Lord Stanley of Alderley ... 1828
Disturbances in Travancore—Notice of Motion *postponed* by the Earl of Shaftesbury 1829
The State of Europe—Ministerial Statement of the Earl of Malmesbury ... 1830
The Metropolitan Board of Works—Question of the Marquess of Clanricarde ... 1857
The Clock of the New Palace at Westminster—Question of Lord Campbell ... 1858
The Indian Army—Prize Property—Question of the Earl of Ellenborough ... 1858

TUESDAY, APRIL 19.

Prorogation of Parliament—Speech of the Lords Commissioners ... 1898
Proclamation for Dissolving Parliament 1901

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

FRIDAY, MARCH 11.

The Reform Bill—Question of Mr. White 10
Billeting in Scotland—Question of Mr. Cowan 11
Paymasters in the Navy—Question of Sir George Pechell 11
Moreton Bay—Question of Mr. Marsh 11
Hong Kong—Government Officers—Question of Mr. Ridley 12
Savings' Banks (Ireland)—Question of Viscount Castlerosse 14
Huntingdon Magistracy—Observations of Mr. T. Duncombe 14
Disturbance in Travancore—Question of Sir Andrew Agnew 22
Church Rates—Question of Mr. Schneider 24
Incumbered Estates Court (Ireland)—Question of Mr. J. D. FitzGerald ... 24
The Political Prisoners in Ireland—Question of Mr. Serjeant Deasy ... 25
Immigration—Explanation of Mr. Buxton 29
Compensation to Proctors—Question of Mr. Hadfield 29
Army Purchase, &c.—Question of Sir De Lacy Evans 34
Female Emigration—Question of Mr. W. Ewart 34
Vaccination—Question of Mr. Monsell 35
Supply—Order of the Day read 38
Rifled Cannon—Question of Sir De Lacy Evans 38
Dockyard Expenditure—Motion of Lord Clarence Paget for Papers—Motion *negatived* by a Majority of 20 39
Supply—Navy Estimates considered in Committee 84
Ways and Means—House in Committee 85
East India Loan Bill—House in Committee 86
County Courts Bill—Bill read 2° 87

MONDAY, MARCH 14.

Naval Expenditure—Observations of Sir John Pakington 92
National Education (Ireland)—Question of Mr. Lefroy 93
Metropolitan Main Drainage—Question of Mr. W. Williams 93
Inland Bonding Warehouses—Question of Mr. Hadfield 94
Title to Landed Estates Bill—House in Committee 95
Supply — Navy Estimates — Order for Committee read — Motion of Mr. W. Williams that the Estimates be referred to a Select Committee—Motion *negatived* 129
Destruction of the 26th Native Infantry—Observations of Mr. Gilpin ... 146
Supply—Navy Estimates—House in Committee... 160
Mutiny Bill—House in Committee 164
Marine Mutiny Bill—House in Committee 166

TUESDAY, MARCH 15.

Church Rates Abolition Bill—Order for Second Reading read—Amendment moved by Mr. Darby Griffith, and by leave *withdrawn*—Amendment of Mr. Beresford Hope, that the Bill be read a Second Time this Day Six Months—Amendment *negatived* by a Majority of 74—Bill read 2°—Division List ... 170

WEDNESDAY, MARCH 16.

Bankruptcy and Insolvency Bill—Bill read 2° 198
Registration of County Voters (Scotland)—Bill read 2° 209
Lunatic Poor (Ireland) Bill—Order for Committee read—Amendment of Colonel Greville, by leave, *withdrawn,* and Bill *committed* to a Select Committee ... 209
Oaths Act Amendment Bill—House in Committee 218
Saint James Baldersby Marriages Validity Bill—Bill read 2° 221

WEDNESDAY, MARCH 16—*continued.*

Page
Municipal Elections Bill—Order for Consideration, as amended, read—Amendment of Mr. Ayrton, that the Bill be recommitted, by leave, *withdrawn*—Bill as amended to be printed 222

THURSDAY, MARCH 17.

Debate on the Church Rates Bill—Observations of Mr. Stewart Wortley ... 243
Allowance on Receipt Stamps in Scotland—Question of Mr. Cowan ... 245
The Ionian Islands—Question of Mr. Labouchere 245
The 41st Regiment—Question of Sir De Lacy Evans 246
Lunatic Asylum, Kingston, Jamaica—Question of Mr. Wyld 247
Stamps on Deeds—Question of Mr. Dunlop 247
The Indian Army—Question of Sir Erskine Perry 248
Harbours of Refuge—Question of Mr. Baxter 248
Commissioners Yeh—Question of Mr. Crawford 249
The Reform Bill—Question of Mr. Hutt 249
The British Museum—Motion of Mr. Gregory for a Select Committee—Motion by leave *withdrawn* 250
Regimental Quartermasters—Motion of Sir Arthur H. Elton for an Address—Motion by leave *withdrawn.* 271
Household Infantry—Motion of Sir John Trelawny for a Select Committee *negatived* by a Majority of 104 276
Parliamentary Votes (Ireland)—Motion of Mr. Brady for leave to bring in a Bill—Leave given 292
Admiralty Court—Motion of Mr. Hadfield for leave to bring in a Bill—Leave given 293
Charitable Uses—Motion of Mr. Hadfield for leave to bring in a Bill—Leave given 294
Fire Insurances—Motion of Mr. H. B. Sheridan for leave to bring in a Bill—*negatived* by a Majority of 10 295
Laws of Jersey—Motion of Mr. Hadfield for an Address—Motion *agreed to* ... 298
State of the Navy—Motion of Sir Charles Napier for Papers—Motion *negatived* by a Majority of 151 299

FRIDAY, MARCH 18.

Parliamentary Reform—Observations of Mr. Roebuck 330
The Huntingdonshire Magistracy—Explanation of Mr. T. Duncombe ... 334
Summary Commitments—Question of Mr. Drummond 339
Concentration of the Law Courts—Question of Mr. Beresford Hope ... 340
The Indian Artillery—Question of Sir De Lacy Evans 342
The Reform Bill—The Oude Pacification—Observations of Lord John Russell 342
Foreign Office Messengers—Question of Mr. Wise 347
The Thames Conservancy Board—Question of Mr. Alderman Salomons ... 352
Decimal Currency—Question of Mr. Beamish 352
Chichester Harbour—Question of General Codrington 352
Case of Mr. Barber—Question of Mr. Brady 353
Superannuation Bill—House in Committee 353
Newspapers Bill—Committee *deferred* till *Wednesday,* April 6... ... 383
Military Organization—Nomination of Committee by Captain Vivian ... 383
The British Museum—Motion of Mr. Gregory for a Select Committee, *agreed to* 384

MONDAY, MARCH 21.

Delhi and Lucknow—Question of Viscount Bury 387
Indian Despatches—Question of Mr. Salisbury 388
The Bequests Act (Ireland)—Question of Mr. Ennis 388
Guano—Question of Major Edwards 388
Representation of the People Bill—Order for Second Reading read—Motion of the Chancellor of the Exchequer, that the Bill be now read a Second Time—Amendment of Lord John Russell, " To leave out from the word 'That' to

MONDAY, MARCH 21—*continued.* Page

the end of the Question, in order to add the words, 'This House is of opinion that it is neither just nor politic to interfere in the manner proposed in this Bill—Debate *adjourned* till *To-morrow* 389
Patents for Inventions (Munitions of War) Bill—Motion of the Attorney General for leave to bring in a Bill—Leave given—Bill read 1° 482
Lunacy Regulation Act (1858) Amendment Bill—Motion of the Solicitor General for leave to bring in a Bill—Leave given—Bill read 1° 482

TUESDAY, MARCH 22.

Jersey—Answer to Address *brought up* by Colonel Forester 527
Despatch to Lord Canning—Question of Mr. Salisbury 528
Order of the Medjidie—Question of Mr. Laurie 529
Postal Regulations—Question of Mr. Kinnaird 529
Married Persons (Scotland)—Motion of Mr. Moncreiff for leave to bring in a Bill —Leave given 529
Church Rates—Committee—Committee *deferred* till *To-morrow* ... 530
Representation of the People Bill—Second Reading—Adjourned Debate—Second Night—Order read, for resuming adjourned Debate on Amendment proposed to Question [21st March]—Debate *resumed*—Debate *further adjourned* till *Thursday* 531

WEDNESDAY, MARCH 23.

High Sheriffs' Expenses Bill—Bill read 2° 623
Edinburgh, &c., Annuity Tax Bill—Order for Second Reading read—Amendment of Mr. Cumming Bruce, that the Bill be read a Second Time this Day Six Months—Amendment *negatived* by a Majority of 40—Bill read 2° ... 625
Poor Relief (Ireland) Act Amendment Bill—Order for Second Reading read—Amendment of Mr. Grogan, That the Bill be read a Second Time this Day Six Months—Debate *adjourned* till *To-morrow* 672

THURSDAY, MARCH 24.

The Divorce Court—Question of Mr. James 688
Roman Catholic Sailors—Question of Mr. Serjeant Deasy 689
Slave Trade—The "Phœnix"—Question of Mr. Kinglake 689
Contracts for Stationery—Question of Mr. Turner 690
Remuneration to Witnesses—Question of Mr. Powell 691
The Reform Bill—Question of Mr. Mitchell 691
Masters and Operatives Bill—Bill read 2° and *committed* 692
Representation of the People Bill—Second Reading—Adjourned Debate—Third Night—Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 692

FRIDAY, MARCH 25.

Saluting the "Host" in Malta—Question of Major Stuart Knox ... 811
Fees in the Transfer of Land Courts (Ireland)—Question of Mr. Darby Griffith 813
Day of Thanksgiving—India—Question of Sir Harry Verney 813
The Danube—Question of Mr. Dodson 813
The Debate on the Representation of the People Bill—Personal Explanation of the Solicitor General 814
Operatives and Masters' Bill—Question of Mr. FitzRoy 816
Postage Envelopes—Question of Mr. Cowan 817
Troops at Trinidad—Observations of Sir De Lacy Evans 817
The National Gallery — "The Apollo and Marsyas" — Question of Mr. Coningham 817
The Council of India—Question of Mr. Vernon Smith 821
Central Asia—Question of Mr. W. Ewart 824
The Annuity-Tax—Question of Mr. Black 825

FRIDAY, MARCH 25—*continued.*

Page
Representation of the People Bill—Second Reading—Adjourned Debate—Fourth Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [21st March]—Debate *resumed*—Debate *further adjourned* till *Monday* next 825

MONDAY, MARCH 28.

Vote of Want of Confidence—Withdrawal of Notice by Mr. W. O. Stanley ... 912
Bonding Warehouses—Question of Mr. Hadfield 912
The Licensing System (Scotland)—Question of Sir Andrew Agnew ... 913
Representation of the People Bill—Question of Mr. Darby Griffith ... 913
Mail Contracts—Question of Mr. Cowper 914
Masters of the Indian Army—Question of Colonel Freestun 914
The Lombardo-Venetian Question—Explanation of Mr. Whiteside ... 915
Representation of the People Bill—Second Reading—Adjourned Debate—Fifth Night—Order read for resuming Adjourned Debate on Amendment proposed to Question [21st March]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 915
Rules of Debate—Resolutions by way of Amendment—Explanations ... 1004
Masters and Operatives Bill—Entry of Second Reading Expunged—Bill to be read 2° on *Wednesday* 4th May 1010

TUESDAY, MARCH 29.

Importation of Opium into Japan—Question of Mr. Gilpin 1041
The Land Transport Corps—Question of General Codrington 1041
Postal Envelopes—Question of Mr. Cowan 1042
The Church Rate Bill—Question of Mr. Newdigate 1042
Debate on the Reform Bill—Observations of the Chancellor of the Exchequer ... 1043
East India—(Financial Despatches)—Motion of Sir Erskine Perry for an Address—Motion *agreed to* 1044
Representation of the People Bill—Second Reading—Adjourned Debate—Sixth Night—Order Read for resuming Adjourned Debate on Amendment proposed to Question [21st March] Debate *resumed*—Debate *further adjourned* till *Thursday* next 1044

WEDNESDAY, MARCH 30.

Married Persons (Scotland) Bill—Bill read 1° 1120
Trial by Jury (Scotland) Bill—Bill read 2° 1120
Law Ascertainment Bill—Bill read 2° 1135
Bankruptcy and Insolvency Bill—Motion of Lord John Russell that the Bill be referred to a Select Committee—Motion *agreed to* 1141
Admiralty Court Bill—Bill read 2° 1144
Charitable Uses Bill—Bill read 2° 1147
Markets (Ireland) Bill—House in Committee 1148

THURSDAY, MARCH 31.

City of London Corporation Reform—Question of Mr. Brady 1151
The Troops at Trinidad—Question of Sir De Lacy Evans 1151
The Paper Duty—Question of Mr. Dillwyn 1152
Local Assessments Exemption Abolition Bill—Question of General Buckley ... 1152
Officers of the Probate Court—Question of Mr. Vance 1153
Representation of the People Bill—Explanation of Lord Elcho 1153
Endowed Schools (No. 2) Bill—Second Reading *deferred* till *Tuesday* 12th of April 1157
Representation of the People Bill—Second Reading—Adjourned Debate—Seventh Night—Order Read, for resuming Adjourned Debate on Amendment proposed to Question [21st March]—Debate *resumed*—Motion for the Second Reading of the Bill *negatived* by a Majority of 39—Division List ... 1157

TABLE OF CONTENTS.

Page

MONDAY, APRIL 4.

County Courts—Question of Mr. Hughes 1299
The Foreign Secretary—Stamps on Patents of Appointments—Question of Mr. W. Williams 1300
The River Bann—Question of Mr. Greer 1300
Ministerial Statement—The Vote of Thursday Night—Statement of the Chancellor of the Exchequer 1301
Maynooth—Notice of Mr. Spooner 1346
East India Loan Bill—Bill read 3° 1346

TUESDAY, APRIL 5.

Private Business—Question of Colonel Wilson Patten 1383
The Phœnix Society Trials—Question of Captain D. O'Connell ... 1384
Public Business—Motion of the Chancellor of the Exchequer—Motion *agreed to* 1384
Superannuation Bill—House in Committee 1387
County Prisons (Ireland) Bill—Order *discharged*—Bill *withdrawn* ... 1398
Mail Service (Galway and America)—Motion of Mr. Horsfall for Papers—Motion *agreed to* 1399
National Education (Ireland)—Motion of Mr. Sullivan that the Order of the 30th of March for a return be discharged—Motion *agreed to* 1412
Damaged Tea—Observations of Mr. Ayrton 1413
Manor Courts (Ireland) Bill—Question of Sir Denham Norreys ... 1415

WEDNESDAY, APRIL 6.

Dissolution of Parliament—Personal Explanations and Observations of Viscount Palmerston 1415
Saluting Roman Catholic Processions—Observations of Sir Andrew Agnew ... 1429
Public Houses (Scotland)—Question of the Lord Advocate 1430
Naval Expenditure in China—Question of Sir H. Willoughby 1430
Incumbered Estates Court (Ireland)—Explanation of Lord Naas ... 1431
The House of Lords—Public Expenditure—Post Office Contract—Observations of Sir Francis Baring 1432
Viscount Palmerston on Reform—Question of Sir Denham Norreys ... 1434
Supply—Civil Services Estimates—House in Committee 1434
Supply—Navy Estimates—House in Committee 1445

THURSDAY, APRIL 7.

The State of Europe and our Foreign Relations—Notice of Motion by Viscount Palmerston 1508
County Court Prisoners—Question of Mr. Hughes 1508
Tenant Right—Question of Mr. Greer 1509
National Schoolmasters in Ireland—Question of Mr. Lefroy 1509
Supply—Report—Report *brought up* by Mr. FitzRoy 1510
Supply—Navy Estimates—House in Committee 1511
Supply—Army Estimates—House in Committee... 1515
Superannuation Bill—Bill read 3°... 1522
Newspapers, &c., Bill—House in Committee... 1523
Royal Western Yacht Club of Ireland—Motion of Mr. Cogan for Papers—Motion *agreed to* 1526
Fiscal Affairs (Ireland)—Notice of Motion withdrawn by Sir Denham Norreys... 1528

FRIDAY, APRIL 8.

Westminster New Bridge Bill—Motion of Lord John Manners *agreed to* ... 1545
The State of Europe—Observations of the Chancellor of the Exchequer ... 1546
The West Indian and Brazilian Mail Service—Question of Mr. Davison ... 1547
The Indian Legislative Council—Question of Mr. Vernon Smith ... 1547
Consolidation of the Statute Law—Question of Mr. Spooner 1549
The Phœnix Society Trials—Question of Viscount Castlerosse 1549
Sale of Commissions—Question of Captain Vivian 1555
Welsh Justice—Observations of Mr. Salisbury 1557

FRIDAY, APRIL 8—*continued.*

Page
Civil Service—Question of Mr. Hopwood ... 1559
The India Office—Question of Sir Erskine Perry ... 1559
Carriage Road into St. James's Park from Charing Cross—Question of Mr. Kinnaird ... 1560
The Consular Service—Question of Mr. Monckton Milnes ... 1561
Appointment of New Magistrates for Hereford—Observations of Mr. G. Clive ... 1564
Indian Finance—Question of Mr. Liddell ... 1565
The Galway Mail Contract—Question of Mr. Beamish ... 1568
Reform Bill—Question of Mr. Cayley ... 1575
Baron Bramwell and Welsh Juries—Hereford Magistrates—Answer to Questions by Mr. Sotheron Estcourt ... 1587
Blowing in of the Cashmere Gate at Delhi—Observations of Mr. Cowan ... 1591
Law of Property and Trustees Relief Amendment Bill—House in Committee ... 1594

MONDAY, APRIL 11.

Private Bills—Resumption in next Parliament ... 1607
Gold in India—Question of Mr. C. P. Villiers ... 1609
Foreign Affairs—The Dissolution—Question of Viscount Palmerston ... 1609
Naval Medical Supplemental Fund Society Annuities, &c., Act Continuance Bill—Bill read 3° ... 1611
Railway Tickets Transfer Bill—House in Committee ... 1612

TUESDAY, APRIL 12.

The Case of Captain Carnegie—Observations of Sir John Pakington ... 1625
Constabulary in the County of Limerick—Question of Mr. Monsell ... 1626
The Lords of the Admiralty—Observations of Sir Benjamin Hall ... 1626
The Consolidated Fund Appropriation Bill—Bill read 2° ... 1626
Clearance Inwards and Lien for Freight Bill—Bill read 1° ... 1652
Endowed Schools (No. 2) Bill—Order for Second Reading read—Order *discharged*—Bill *withdrawn* ... 1652
Ballot—Motion of Mr. H. Berkeley for leave to bring in a Bill—Motion *negatived* by a Majority of 3—Division List ... 1652

WEDNESDAY, APRIL 13.

Postal Service for North America—Question of Mr. Monsell ... 1686
Convict Prisons Abroad Bill—House in Committee ... 1687
Vexatious Indictments Bill—Order for Second Reading read—Order *discharged*—Bill *withdrawn* ... 1687

THURSDAY, APRIL 14.

The Action at Cawnpore—Question of General Codrington ... 1727
The New Indian Tariff—Question of Viscount Duncan ... 1728
The Candidate for Berwick—Question of Mr. E. P. Bouverie ... 1728
Sir Henry Seaton—Question of Colonel Freestun ... 1729
Thanks to the Government and Army in India—Resolutions of Lord Stanley *agreed to* ... 1729
Foreign Affairs—Observations of the Chancellor of the Exchequer ... 1765
Consolidated Fund (Appropriation Bill)—Bill read 3° ... 1765
Jews Act—Report of the Select Committee read by Mr. Walpole ... 1766
Offences against the Person—Motion of the Attorney General for leave to bring in a Bill—Leave given—Bill read 1° ... 1771

FRIDAY, APRIL 15.

Westminster New Bridge Bill—Bill read 2° ... 1793
Magistracy of Newbury and Hereford—Question of Mr. T. Duncombe ... 1794
The New Indian Tariff—Question of Viscount Duncan ... 1801
Retired Field Officers—Question of Colonel Kingscote ... 1802
The 41st Regiment at Trinidad—Question of Sir De Lacy Evans ... 1802
Disturbances in Travancore—Question of Mr. Kinnaird ... 1803

Friday, April 15—*continued.*

Page
The Duties on the Patents of Secretaries of State—Question of Mr. W. Williams 1808
The Late Trials at Belfast—Question of Mr. M'Mahon 1811
Flag Officers—Question of Admiral Duncombe 1820
Our Troops in India and in Trinidad—The Examinations at Woolwich—Question of Sir G. C. Lewis 1821
Jamaica Immigration—Question of Mr. Gilpin 1825
The National Gallery—Question of Mr. Coningham 1825
The Dissolution—Question of Viscount Palmerston 1826

Monday, April 18.

Aberdeen Universities—Question of Mr. Sotheron Estcourt 1860
The Reformatory Hulk "Akbar"—Question of Mr. Briscoe 1861
The Case of Lieutenant Colonel Dickson—Question of Mr. T. Duncombe ... 1862
The Medical Officers in the Navy—Question of Sir Edward Grogan ... 1863
The State of Europe—The Italian Question—Motion of the Chancellor of the Exchequer, That Copies of Treaties be laid on the Table—Motion *agreed to* 1863
Secret Despatches of the Indian Government—Resolution of Sir George Lewis 1897

Tuesday, April 19.

The Dissolution—Question of Mr. T. S. Duncombe 1900
Prorogation of the Parliament 1900
Proclamation for Dissolving Parliament 1901

III. New Members Sworn.

Monday, March 14.

Northumberland (*Northern Division*).—Right Hon. Lord Lovaine—Re-elected.

Enniskillen—The Hon. John Lowry Cole, *v.* The Right Hon. James Whiteside, Steward of Hempholme.

Tuesday, March 15.

Stirlingshire.—Peter Blackburn, esq.—Re-elected.

Monday, March 21.

Harwich.—Captain Henry Jervis White Jervis, *v.* John Bagshaw, Esq., Chiltern Hundreds.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *SEVENTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 30 APRIL, 1857, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1859, IN THE TWENTY-SECOND
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, *March* 11, 1859.

MINUTES.] PUBLIC BILLS. — 1ª Church Rate Relief.
3ª Anniversary Days Observance, formerly Occasional Forms of Prayer.

THE IONIAN ISLANDS.

NOTICE OF MOTION WITHDRAWN.

EARL GREY: My Lords, a Motion stands in my name on the paper for Monday next, for certain papers respecting proposed alterations in the constitution of the Ionian Islands, and I have to inform your Lordships that in consequence of a letter which I have received from the noble Earl at the head of the Government I do not intend to make that Motion. The noble Earl has stated to me so strongly that public inconvenience will result not merely from the production of these papers, but from any public discussion of the question, that, although my own judgment still remains unchanged, and although I still believe that a discussion of the principle and policy on which those proposed alterations were based would be attended with public advantage, still, in the face of the strong contrary opinion expressed by the noble Earl opposite, and supported by the opinion of the present and late High Commissioners of the Ionian Islands, I am not prepared to take upon myself the responsibility of persevering with my Motion.

THE EARL OF DERBY: I must express my sincere acknowledgments to the noble Earl for the very frank manner in which he has acquiesced in the suggestion I took the liberty of making to him; and I am the more indebted to him, because he has taken this course in opposition to his own judgment. I hope it is unnecessary for me to assure your Lordships that in offering that suggestion I was actuated by nothing but a sense of what was really for the interest of the public service. Since the noble Earl first placed his notice on the paper, I have been examining carefully the voluminous documents connected with the recent history of the Ionian Islands, and while I felt that this discussion could not have been adequately conducted without a full knowledge of those voluminous documents, of the events which led to Mr. Gladstone's mission, and of the results which attended it, I found from an examination of those papers that it was almost impossible to give extracts from them, and equally impossible to lay the whole of the Correspondence before your Lordships, especially those parts relating to some of the proposed Resolutions, without producing a vast number of documents which would have involved recurrence to facts which had much better be buried in oblivion, and which, if revived, could but have cast considerable censure on some persons not here to explain or defend their proceedings. I took upon myself the liberty of requesting the noble Earl to forego the exercise of his own judgment in bringing forward this Motion;

but I assure your Lordships that I would not have taken that course if I had not been very strongly confirmed in my views by a conversation which I have had with Mr. Gladstone since his return, and also by the strong expression of Sir Henry Storks, who, in writing, has stated the great anxiety with which he looked to the probable effect of any discussion whatever in Parliament at the present moment on the minds of the Ionian people. I think I should not do justice to my own opinion if I abstained from taking this opportunity of expressing my strong sense of the public spirit and patriotism which induced Mr. Gladstone, at great personal inconvenience, to undertake a very laborious, a very invidious, and a very thankless task, and to expose himself, as he naturally must, to much misrepresentation and misunderstanding. I think it right to take this opportunity of saying with regard to Mr. Gladstone that not only did he undertake that task at the request of a Government with which he had no political connection whatever, but that one condition attended the acceptance of the office, and that he made a *sine quâ non*—namely, that beyond the payment of his actual expenses he should receive no remuneration in any shape or manner for his services. Mr. Gladstone's mission has had no positive results; but I cannot say that I regret it, for, although it has not led to any changes by legislation, whether desirable or not, it has had the effect of placing this country with regard to the Ionian Islands in a right position. It has shown to the Ionian Islands, to Europe, and to the world at large, that she is not the oppressor, but the protectress of those Islands, and that she is perfectly prepared to give them an ample measure of free institutions—larger, perhaps, than some persons think desirable, yet, at all events, so large as *bonâ fide* to constitute them that free and independent Republic, under the protectorate of this country, which was declared by the treaty assigning that protectorate. I have only again to return my thanks to the noble Earl for having acquiesced in the request which I ventured to make to him. I am sure in so doing he will best consult the public interests, and give great satisfaction to the present High Commissioner, whose position is one of considerable difficulty, and to whom in such a position it must be the wish of your Lordships to show every consideration and afford every moral support in your power.

Earl Grey

THE DANUBIAN PRINCIPALITIES.

QUESTION.

The Earl of ST. GERMANS begged to ask the noble Lord the Secretary for Foreign Affairs, whether a Proclamation which appeared in *The Times* that morning, and which purported to be signed by "Alexander John Couza I., Prince"—not Hospodar—"of the United Principalities," was genuine or not? After the caution which the noble Earl gave their Lordships the other evening he should not now advert to the question of the election of Colonel Couza, and the possible doubt of its validity, nor to the question of the union of those Provinces. But as this proclamation distinctly declared that the gentleman who called himself Prince Alexander John I, was about to mount the throne by virtue of his election, and made no mention whatever of the necessity of his investiture by the Ottoman Porte, or of the suzerainty of that Power, which was distinctly and expressly proclaimed by all the great Powers at Paris in August last, he was justified in asking the noble Earl whether that proclamation was or was not genuine. For his own part, he believed that the absolute independence of those Provinces was an absolute impossibility. Unless they were under the suzerainty of the Sublime Porte they must naturally fall to Russia, and that result would hardly be satisfactory to this country, which lately embarked in a great war to maintain the existing territorial limits of that Power.

The Earl of MALMESBURY said, he had had his attention drawn to the proclamation published in *The Times*, and apparently issuing from M. Couza. He had not seen it before, and he had not received it officially at the Foreign Office. Whether it was a genuine document or a forgery could signify very little at the present moment. The Porte, according to the convention signed last year, had called the Powers who signed that convention together to judge of certain events and acts which had taken place since the constitution which that convention established had been put in force: stating that certain acts of illegality, and acts contrary to the spirit of the convention, had taken place in the provinces, and it would be for the Congress to consider and decide the points laid before it by the Porte. He hoped the congress would be able to meet next week. It could not have met sooner, as the Turkish Ambassador had only just received his instructions. Lord Cowley was expected to reach London on Sunday, and would be in Paris a day or two afterwards, and he believed there was nothing to prevent the Congress meeting to discuss these matters next week.

DEBTOR AND CREDITOR BILL.

REPORT.

Amendments *reported* according to Order.

THE LORD CHANCELLOR said, there were some alterations made in the Bill, and also some clauses which he proposed to add. The alterations were merely intended to meet some minor objections which had been raised by some of his noble and learned Friends when the Bill passed through Committee. With regard to the clauses, they were of a penal nature, and referred to judgment debtors keeping out of the way to avoid judgment, and also to concealing their property. These he thought were necessary when the power of the creditor to imprison his debtor were taken away. There were also penal clauses as to vexatious losses and making false representations with regard to property. There was another clause in the Bill of some considerable importance. The clause in the Bankrupt Act which enabled a landlord to receive a twelvemonths' rent from a bankrupt's estate was proposed to be altered in the Bill to six months. That proposition, however, had been objected to; and when he came to consider that parties not subject to the bankrupt law—such as farmers—would now be subject to the law, he felt that he ought to omit the new clause, and allow landlords to receive the twelvemonths' rent under the Insolvent Act.

LORD WENSLEYDALE was of opinion that a case which had lately come before one of the Courts showed the necessity for a clause such as he had proposed in Committee, to guard against the fraudulent transfer of property by an insolvent to his wife or daughter.

THE LORD CHANCELLOR said, he believed the noble and learned Lord referred to a particular case, that of Mr. Stephens and the Eastern Banking Corporation; but, in that case, Mr. Stephens made the settlement on his marriage, and at that time was in good credit and circumstances, having no reason to suspect that he would ever be insolvent. Afterwards the trust money was dealt with in a way which amounted to a breach of trust, and on the insolvency of the bank the creditors filed a bill for the purpose of making the trust property available in satisfaction of their debts. It was decided in the Court of Chancery that, although there had been an improper dealing with the trust money, it would not affect the original *bona fides* of the settlement. There were no grounds for impeaching the settlement, and the judgment of the Court of Chancery was, therefore, in favour of its validity. His noble and learned Friend founded his argument for the necessity of introducing a clause making settlements of that description penal on this case, but it did not apply, and he was not aware of any public grievance which rendered it desirable that such a clause should be introduced.

LORD WENSLEYDALE said, that cases might often occur in which such a provision would be desirable.

LORD CRANWORTH said, he should renew his Motion for the omission of certain clauses on the Third Reading.

LORD ST. LEONARDS, in rising to propose a clause relative to the sequestrations of livings, said that if a young clergyman went into a living a little embarrassed in circumstances the expense of stamps upon his presentation, institution, and induction, and the outlay in furnishing his house frequently compelled him to borrow money. If he got into the hands of a common money-lender his fate was sealed; but if he went to a respectable office and obtained money on fair terms, what happened? He could not give a satisfactory security, and the office covered the risk by requiring him to insure his life. As these assurances were made for more than the whole sum advanced, it happened that, although every year the debt became less and less, yet the payment of the policy of insurance was a given quantity. It frequently occurred, too, that the office did not like to take the whole risk, and applied to another office to guarantee them the payment of the interest and of the premium on the policy. Each office required for its protection deeds of security, covenants, and the right of sequestration; and when the clergyman received his income he frequently found it inadequate to meet the demands thus made upon him. The result was his utter ruin. He had in the meanwhile become involved in debts with the tradesmen of his vicinity, and when the crash came—as come it must—the office stepped in and obtained the first sequestration. The whole tithe rent-charge was then taken into the hands of the sequestrator. The sequestration was that of the particular debtor, and he took the whole of the tithe rent-charge for the extinguishment of his particular debt. The result was that all the honest tradesmen were excluded from the payment of their debts. A curate was appointed by the diocesan at a small salary to discharge the duties, and the great office swept away the rest. Some of the offices obtained a lease of the tithe, in order to insure a per centage for the collection of the tithe rent-charge. The lessees, after deducting their commission, paid the money to the sequestrator, he charged his commission, and in this way a sum amounting to 9 or 10 per cent was deducted for the mere receipt of the tithe rent-charge. The residue was paid to the registrar, who also took a certain allowance, and he paid the balance back to the very man who originally received it. As arrest for debt was not at present abolished, a clergyman who was in debt had no other resource but to leave the country, and his diocesan usually gave him a licence to reside abroad, where he lived the life of an outlaw, not daring to come home. If the present Bill passed, that clergyman could not be prevented from coming into his parish and performing his duty. But in the meanwhile all the proceeds of the levy would still go to one creditor, to the exclusion of the rest, and of the incumbent. He should propose that after this Bill passed no clergyman should be enabled to charge his living in favour of one or more of his creditors. What he proposed was that so long as a clergyman's conduct had not rendered him unworthy of the pulpit his diocesan should be authorized to pay to him the same income as he was now by law authorized to assign to the curate who would otherwise perform the duty. The noble Lord concluded by moving the insertion of the following clause:—

> "The sequestrator shall allow out of the profits of the benefice or curacy to the insolvent, whilst he performs the duties of the parish or place, such an annual sum, payable quarterly, as the Bishop of the diocese in which the living is situated shall direct; and it shall be lawful for the Bishop to appoint to such insolvent such or the like stipend as by law he might have appointed to a curate duly licensed to serve such benefice in case the insolvent had been non-resident; and no sequestration, except under the last foregoing provision, for any debt of any clergyman or curate, shall issue; and every sequestrator appointed after the 11th day of October, 1859, shall hold the profits of the benefice or curacy, wholly discharged of any lease which the insolvent may have granted, or attempted to grant, of his tithe rent-charge."

THE BISHOP OF LONDON said, he did not rise to offer any opposition to the clause proposed by the noble and learned Lord. He wished it, however, to be understood, on his own part and that of several of his right rev. Brethren whom he had consulted on the subject, that it appeared to them that somewhat of a wrong principle was involved in the noble and learned Lord's proposal. They thought the point to be regarded was the spiritual interest of the parishioners, and that that was not distinctly brought out as the object of giving the discretionary power in question to the Bishop of the diocese. He (the Bishop of London) felt as much as any one the present miserable state of things; and he fully concurred in what the noble and learned Lord had said, that some legislative measure was required for the cure of this very great evil; but he hardly thought it wise to encourage the young clergy, whether they incurred liabilities either by the process described by the noble and learned Lord, or by any other process, to consider that they were not subject to the same responsibility in respect to their debts as all other people. The spiritual interest of the parish it was the bounden duty of the Legislature to guard, and he should be very glad if a remedy could be devised for the present unsatisfactory state of things. He should like to see a larger portion of the stipend assigned to the person who had to do the work of the parish. But he thought it would be a preferable course to the one now proposed, if the noble and learned Lord would bring in a Bill with a view to settle the whole question. Such a measure would receive his fullest concurrence.

THE LORD CHANCELLOR said, that his noble and learned Friend, by the clause which he proposed, was making use of his Bill for a totally different purpose to that for which it was really intended. He had never by his measure proposed to consider the effect of sequestration. The Bill was one for the alteration of the law of debtor and creditor. Under the present Bankruptcy Law, there was no provision for sequestration. A clergyman could not become a trader, and consequently could not be made a bankrupt; but he might become an insolvent, and his object was to leave the law as it at present stood. He had, in fact, transplanted the clause from the present Insolvency Act into his Bill, without alteration. He must guard his Bill from being diverted from its original objects by the introduction of the clause of his noble and learned Friend. He hoped, however, that his noble and learned Friend would bring forward the question involved as a separate measure, when it should receive his most careful attention.

Lord ST. LEONARDS said, when they authorized the sequestration to issue, it was his endeavour to provide for the proper application of the money in the hands of the sequestrator. His object was to prevent a clergyman from borrowing money on the credit of his preferment, and if he became insolvent to do for him what any honest man would do if he could—live, performing his duty on a diminished income, and apply the surplus amongst all his creditors equally. There was no weight in the objection of his noble and learned Friend. The sequestration clause was copied from 1 & 2 *Vict.*, and properly admitted of the addition of his clause. How could this divert the Bill from its original object? There never was a Bill which altered existing law so much — it classed together bankrupts and insolvents, it rendered it optional to retain the official assignee, it rendered the future estates of insolvents free from the debts, and limited the right of the creditors against some of the present property of insolvents. Surely, then, a new appropriation of the tithe-rent charge of an insolvent clergyman amongst all his creditors might well find its place in this Bill. He could assure the right rev. Prelate that nothing could be further from his intention than to advise any step that was at all calculated to introduce into a cure any person that was not competent and acceptable for the performance of the spiritual duties of the place. He should certainly take the sense of the House upon his Amendment, if it were the intention of the Government to oppose it.

The Earl of ELLENBOROUGH said, he did not pretend to know more about this matter than what had been stated, but it appeared to him that the stipend of an incumbent ought to be divided amongst men who were his honest creditors, if it were to be spent out of the parish at all. If his noble and learned Friend (Lord St. Leonards) went to a division, he should support the clause.

On Question "whether the said Clause shall be there inserted?"

Contents 9; Not-Contents 18: Majority 9.

CONTENTS.

Ellenborough, E.
Saint Germans, E.

Carlisle, Bp.
London, Bp.

Overstone, L.
Saint Leonards, L. [*Teller.*]
Teynham, L.
Wynford, L. [*Teller.*]

NOT-CONTENTS.

Chelmsford, L. (*L. Chancellor.*)

Marlborough, D.

Salisbury, M.

Carnarvon, E.
Derby, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Malmesbury, E.
Portarlington, E.
Rosslyn, E.
Stanhope, E.

Strathallan, V.

Colchester, L.
Colville of Culross, L. [*Teller.*]
De Ross, L.
Feversham, L.
Redesdale, L. [*Teller.*]
Saltersford, L. (*E. Courtown.*)

Amendments made. Bill to be read 3^a on *Thursday* next.

CHURCH RATE RELIEF BILL.

BILL PRESENTED. FIRST READING.

The Duke of MARLBOROUGH begged to lay on the table a Bill to relieve certain persons from the payment of church rates. He could not now enter into the details of the measure, but would simply state that it proposed that persons who had already contributed to their own place of worship, should be allowed to make that a ground of exemption from contributing to church rates. A Bill had been brought into the other House of Parliament which it was hoped would have been considered a fair settlement of the question; but as that Bill had been rejected, he begged to be allowed to introduce this measure, the full details of which he would enter into on an early day.

Bill to relieve certain Persons in England and Wales from the Payment of Church Rates, and to amend the Law relating to the Collection thereof, *presented*, and read 1^a.

House adjourned at a quarter past
Six o'clock, to Monday
next, Eleven o'clock.

* * *

HOUSE OF COMMONS,

Friday, March 11, 1859.

Minutes.] New Writ Issued.—For Harwich *v.* John Bagshaw, Esq., Chiltern Hundreds.
Public Bills.—2^o County Courts.

THE REFORM BILL.—QUESTION.

Mr. WHITE said, that the Chancellor of the Exchequer informed the House on the previous day that by his Bill no disfranchisement would take place. But there was in that Bill a clause disfranchising the persons employed in dockyards. He understood, however, that existing rights would be saved by the new clauses which the Chancellor of the Exchequer intended to introduce; he would, therefore, beg to ask whether, by any of the clauses the right hon. Gentleman proposed to introduce, the rights of artisans and others employed in the dockyards would be preserved?

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had given him no notice of the question. He did not complain of the circumstance; but he thought the custom of giving notice was a convenient one. What he stated yesterday was, that in the Bill which he had the honour to introduce to the House no place and no person would be disfranchised. He was not aware that the artisans of the dockyards were disfranchised by his Bill. It was the intention of the Government, not that they should be disfranchised, but that they should be disqualified.

BILLETING IN SCOTLAND.—QUESTION.

MR. COWAN said, he wished to inquire whether it was intended to make any alteration in the present mode of billeting the troops in Scotland?

GENERAL PEEL said, that the only alteration which he proposed to make in the Mutiny Bill with regard to billeting in Scotland was to raise the allowance to innkeepers from 1½*d.* to 4*d.* per day.

PAYMASTERS IN THE NAVY.

QUESTION.

SIR GEORGE PECHELL said, he would beg to ask the First Lord of the Admiralty if it is intended to consider the Claims of the Paymasters with those of the Masters, Surgeons, and Chaplains of the Royal Navy?

SIR JOHN PAKINGTON replied, that the Government did intend to include the claims of Paymasters with those of Masters, Surgeons, and Chaplains of the Royal Navy; and it must be understood that there would be a fair consideration of the claims which might come before them.

MORETON BAY.—QUESTION.

MR. MARSH said, he would beg to ask the Secretary of State for the Colonies when the separation of Moreton Bay from New South Wales will be completed?

Mr. White

SIR EDWARD BULWER LYTTON said, that the question of separation was under the consideration of the law officers of the Crown, and that if any delay had taken place on the subject, it was not the fault of the present Government.

HONG KONG—GOVERNMENT OFFICERS.

QUESTION.

MR. RIDLEY said, he rose to ask the Secretary of State for the Colonies whether Her Majesty's Government have received the Report of a Commission appointed to inquire into a charge brought against Mr. Daniel Richard Caldwell, for participating in the profits of piracy during the time he was holding an office under the Government of Hong Kong; also a Report of the Trial of the Queen against William Tarrant, which took place in the month of November last in the Supreme Court of Victoria, in Hong Kong, and in which trial it was sworn that certain papers implicating Mr. Caldwell in the above charge were destroyed by order of Dr. Bridges, Acting Colonial Secretary, at that time exercising, as is alleged, an unlawful authority conferred by the Governor of the Colony. If these Reports have been received what course Her Majesty's Government have taken with reference to the transactions to which they relate; and whether they will lay upon the Table any papers which may contain information on the subject?

SIR EDWARD BULWER LYTTON was understood to say that the Government had received a Report from the Commission appointed to inquire into the charge brought against Mr. Caldwell of participating in the profits of piracy, during the time he held office under the Government of Hong Kong, and in order that the House might form some notion of the light reading which the hon. Gentleman proposed to add to the literature of the House of Commons, he had brought a small portion of the papers of which the cost of publication was suggested. [The right hon. Baronet here pulled out of his official box two bulky bundles of papers, which he laid upon the Table.] When these documents reached the Colonial Office he saw at once that they contained many points involving questions of legal evidence which it was necessary to submit to the indefatigable and zealous law adviser of the Colonial Department. Her Majesty's Government had not received a report of the trial of Mr. Tarrant which took place in the month of November last in the supreme Court of Hong Kong; all that they had received was the result of the trial from the Governor of the Colony. But the Governor promised to send a full report of the trial taken down in short hand, and consequently the Colonial Office had every day since that intimation reached them been shudderingly anticipating the threatened communications from Hong Kong. As to the third and material part of the hon. Gentleman's question he begged to inform him that the Commission had acquitted Mr. Caldwell of the charge of participating in the profits of piracy, of which, in fact, there was no sort of evidence. They also acquited him of several other grave charges, which, he (Sir E. B. Lytton) thought ought never to have been brought against him, especially by a brother official. Nevertheless during the course of the trial certain facts came to light, which he thought clearly showed that so far as the interests of the colony were concerned Mr. Caldwell ought to be dismissed from the office he now held, unless he could make a satisfactory explanation, and he (Sir E. B. Lytton), intended to call upon him for such explanation. The mode in which Mr. Chisholm Anstey the Colonial Attorney General originated and conducted the inquiry was a breach of official confidence, and he had therefore been suspended by the Governor. With every respect for the talents, activity, and character of Mr. Anstey, he (Sir E. B. Lytton) could not but approve of that suspension, after having perused the documents transmitted to the Colonial Office. The right hon. Gentleman, having detailed some of the facts as contained in the documents and extracts from the Hong Kong newspapers, said he now came to the last question of the hon. Gentleman, which was an inquiry as to what course the Government had taken in reference to the transactions which the papers related. That question was very easy to answer. All he had done yet was to read the papers; but Her Majesty's Government intended to appoint a new Governor to succeed Sir John Bowring, whose tenure of office had expired, and to instruct that Governor to enter into the most ample investigation of all the facts, which could only be made on the spot. The hon. Gentleman also asked whether the Government would lay on the Table any papers that might contain information on the subject to which they referred. He confessed he shrank from the responsibility of laying all those papers on the table; it might be wiser to lay the table on the papers. He had, however, no personal or official objection to produce those documents if the hon. Gentleman moved for them; and if they were produced, he should look with compassionate admiration on any devoted Member who undertook to read them.

SAVINGS' BANKS (IRELAND).

QUESTION.

Viscount CASTLEROSSE said, he would beg to ask Mr. Chancellor of the Exchequer whether the attention of the Government has been directed to the case of the Depositors in the Tralee and Killarney Savings' Banks; and, if so, whether he can hold out any hope that compensation will be made to them for the losses they sustained by the failure of those establishments?

The CHANCELLOR of the EXCHEQUER said, he was only acquainted with the facts of the case from the investigation of the Committee of that House; and, as far as he was informed, he saw no reason to challenge the justice of the Report of that Committee or its decision.

On Question "That the House at rising adjourn till *Monday* next."

HUNTINGDON MAGISTRACY.

OBSERVATIONS.

Mr. T. DUNCOMBE said, he wished to ask the Secretary of State for the Home Department whether he can explain the cause of the recent large addition to the Magistracy of the county of Huntingdon. They were all Reformers now, and he was sure the right hon. Gentleman would feel great pleasure in answering the question. Huntingdon appeared to be one of the most favoured of counties; at the present moment it possessed more magistrates than it did policemen. The population of the county was only 64,000, not so large as that of several metropolitan boroughs; but it had more magistrates and not so many policemen. Of those magistrates above one half were Tories. The Lord-Lieutenant was also a Tory, and had, besides, the honour of being Master of Her Majesty's Buckhounds. And it further had the advantage of being represented by the hon. and gallant Gentleman the Secretary for War. The borough of Huntingdon was also a favoured one, because it having been determined not to disfranchise boroughs having more than 6,000 inhabitants, Huntingdon escaped being disfranchised, because it had 6,200. There had been no contest in the borough for thirty years, and for the best possible reason—because it was a pocket borough of the Master of Her Majesty's Buckhounds. Very recently an application was made to the Lord-Lieutenant of the county, and the names of three Liberal gentlemen were submitted to him to be put on the Commission of the Peace—rich men in the neighbourhood, and one, he believed, the Mayor of Huntingdon. These three gentlemen were passed over, one for a very good reason, because he was a clergyman, and the Lord-Lieutenant on that account passed him over. The other two gentlemen were supposed to be too busied in other occupations, and they were also passed over. But almost in the same breath, an addition of six magistrates took place to the commission of the peace of Huntingdonshire within the last six weeks. Two of these gentlemen were civilians, and the other four were all clergymen. These six gentlemen took an active part in the last election. The two Liberal gentlemen who were passed over were highly respectable gentlemen, and two other gentlemen not in holy orders were made magistrates. One of these was Dr. Ward, residing in Huntingdon, a physician very eminent in his line, and in great practice. Therefore he could not attend much to his duty as a magistrate, and that was the reason why one of the Liberal gentlemen was not put in the commission. The people at Huntingdon thought that this Dr. Ward could not know much about law. and that therefore he was not a proper man to be put in the commission. About three months ago this gentleman got into a dreadful scrape with a commercial traveller, and, in the County Court, got the worse of the matter. He was, however, a very active partisan at the last general election. The other gentleman was Mr. Dennis Herbert, a common brewer at Huntingdon, who had a public-house in every village and every place in the county. ["Hear, hear."] He did not object to that, and he hoped that the hon. Gentleman who cheered drank some of the beer; but the people of Huntingdon who did not happen to belong to the Tory party said that this gentleman was rather an awkward man to sit upon the bench on a licensing day. The other four gentlemen made magistrates were clergymen, one or two of whom had taken an active canvassing part at the last general election. These six gentlemen, then, had been added to the number of magistrates, which was sufficiently great before, because there were more magistrates than policemen. These magistrates must have been added from one of three causes. Was it that there was a great increase of crime in Huntingdon? The Home Secretary knew something on that point; but by the report of the inspectors of constabulary it appeared that there were only thirty-seven persons committed for indictable offences during the last year. He hoped, then, that increase of crime was not the cause of this addition to the magistracy. Another cause would certainly justify the increase of the magistracy—namely, that those who were in the commission of the peace possibly neglected their duty. If so, a stipendiary magistrate had better be appointed for the county. Another cause for the increase of the magistracy, which the ill-natured world said was the real cause, was that it was done to please political partisans. The Master of Her Majesty's Buckhounds had pleased his political friends by making these six magistrates, and by passing over the other gentlemen with respect to whom applications had been previously made. Perhaps the right hon. Gentleman the Home Secretary would give some explanation on this point, and disabuse, if possible, the public mind, particularly in the county of Huntingdon, by explaining the reason of the great increase made at the present moment to the number of the magistracy in that county. It was not yet too late to recall these appointments, as the new magistrates had not yet taken their seats on the bench. They would be sworn in next week, and he thought that unless some good reason were given by the right hon. Gentleman for the increase the four clergymen had better not be sworn in.

MR. SOTHERON ESTCOURT said, he really did not understand what the point was upon which explanation was required, or what feature in the case laid before the House by the hon. Gentleman the Home Secretary was to appear in his place to defend or explain. Upon seeing the notice of the hon. Gentleman on the paper he applied to his noble and learned Friend the Lord Chancellor, with whom the immediate appointment of those magistrates rested, and was informed that the appointments had been made upon the recommendation of the Lord-Lieutenant of the county. He (Mr. Sotheron Estcourt), however, did not think that it was his duty to apply to the

Lord-Lieutenant, not knowing what was likely to be the nature of the speech with which the hon. Gentleman would introduce the question, and not anticipating that any one of those gentlemen could by possibility be supposed to lie under an imputation of any kind whatever. But he must say that if private character was to be drawn before the House of Commons on such an occasion, at least the individual who was called upon to answer the question ought to be put beforehand in possession of the particulars with respect to which an answer was desired. He would now endeavour to give the information which appeared to him to be required by the question of the hon. Gentleman. The hon. Gentleman said that the persons who had been appointed were in the proportion of two laymen to four clergymen; but that was not correct, for the proportion was the same, there being, in fact, three laymen and three clergymen. The name of the first was Arthur Stirling, Esq. The next was Dennis Herbert, Esq., of Huntingdon, whom the hon. Gentleman had spoken of as a "common brewer," and of whom all he (Mr. Sotheron Estcourt) would say was, that if it were true that he had a public-house in every village in the county, it showed at least that he was a man of property. Moreover, the hon. Gentleman, in reading the history of this county, should not have forgotten that one of the most eminent men in the history of this country had himself been a "brewer of Huntingdon," and that, although he, as a brewer, might not, upon the hon. Gentleman's hypothesis, have aspired to the office of a justice of the peace, nevertheless reached the position of chief magistrate of the State. The next was William Ward, Esq., and the clergymen were the Rev. Mr. Grove, the Rev. Arthur Fanshawe, and the Rev. Thomas Woodham. With regard to the latter gentleman, he only knew from the Lord Chancellor that, having made some objection to place the names of clergymen in the commission of the peace, he had been informed by the Lord-Lieutenant that there was a difficulty in finding laymen to fill the office in that particular part of the county. The clergyman to whom the hon. Gentleman had alluded as having been passed over, the Rev. Mr. Shafto, was a highly respectable man, whom he (Mr. Sotheron Estcourt) knew very well; and upon inquiring why his name had been omitted from the list, the answer given to him was that the reverend gentleman resided in the same parish with his brother; that his brother was a well-known justice of the peace, and it was thought unnecessary therefore to add his name to the list. As to the two individuals upon whom the hon. Member for Finsbury had borne so hard with his imputation, (he meant this "common brewer" and this "doctor,") he would take the liberty of observing to the House that one of them had been mayor of the borough of Huntingdon three times, and the other mayor of that borough four times. Those gentlemen had, therefore, sat on the bench in their own town, and must certainly to some extent have possessed the good opinion of their fellow citizens and the public generally. But the real gist of the complaint, after all, was that these gentlemen belonged to one political party. He (Mr. Sotheron Estcourt) knew nothing whatever about that. He did not know that it was so, though he had no doubt of it. But the hon. Gentleman must be aware that the practice of appointing political friends to the magistracy, if it were a fault, was a fault that was committed by pretty nearly every Government; and so long as the nomination was left in the hands of one individual, the Lord-Lieutenant of the county, they could not escape from the consequence that he would naturally give a preference to persons of his own opinions. The hon. Member for Finsbury had observed that the number of magistrates in Huntingdonshire was already excessive; that they were between thirty and forty; and that he believed that there were more magistrates than policemen. Now, he (Mr. Sotheron Estcourt) did not know how many policemen there might be, but the number of magistrates was exactly thirty-three; and the hon. Gentleman would perhaps be surprised if he told him that there was scarcely a county in England in which the number of names upon the list of justices of the peace was not at least as great as the number of policemen in the county. To that, however, he did not see any particular objection. In a legal point of view there was but one objection which could be raised to the appointments now complained of, and that was the appointment of a gentleman as magistrate who was a brewer, and who could not, with propriety, take his seat on the bench when licences were granted. But the law made provision for this. In every county of England, perhaps, there were a number of gentlemen of the highest position in that line of business which the hon. Gentleman had described as that of a common brewer, but the law had, very properly disqualified them from sitting on the bench to adjudicate cases in which the interests of their own trade were at stake; and this being so he certainly could not see that the hon. Gentleman had made out any case to prove that the gentlemen who had recently been placed in the commission of the peace for the county of Huntington had not been properly appointed.

Mr. T. DUNCOMBE was not aware that he had said anything that could be construed into an attack upon private character. In using the words "common brewer" to designate one of these gentlemen, he meant nothing offensive, for these were words which were posted over all their doors. With regard to Dr. Ward, he had made no attack upon his private character. He had merely said that he was a gentleman eminent in his profession, and that having a great practice he could not attend to his business.

Mr. SOTHERON ESTCOURT: Yes; and the hon. Gentleman also mentioned some unpleasant circumstances connected with a commercial traveller, of which, of course, I know nothing.

General PEEL said, he had not even heard of this addition to the magistracy of Huntingdonshire until he saw the Question of the hon. Gentleman on the paper. Why the hon. Gentleman should have thought it necessary, therefore, to introduce his name into the present discussion, he was altogether at a loss to imagine. He was extremely happy, however, that the hon. Gentleman had done so, for it gave him an opportunity of bearing testimony to the character of two of the gentlemen who had been mentioned, and who were connected with the town of Huntingdon. He (General Peel) had had the honour of their acquaintance for twenty-eight years, and he ventured to say that there were no two men in any part of England who were more fitted to be placed in the commission of the peace than they were. One of them had been mayor of the borough on four different occasions, and the other on three different occasions; and he could safely take upon himself to declare that they both possessed the esteem and regard of all their fellow-townsmen, and that he did not think it possible to have selected any two persons in the county more capable of discharging the duties of a magistrate. The hon. Member was wrong in his facts from beginning to end. He was wrong in saying that there had been no contest in

Mr. Sotheron Estcourt

the borough of Huntingdon for the past thirty years, for he (General Peel) himself had stood two contested elections. He was equally wrong in saying that it was a pocket borough of Lord Sandwich, which he begged most positively to deny, and of that he thought his own position was a convincing proof; for he had opposed the Corn Law and had voted against the Government of which the noble Earl was a Member in the division which led to its dissolution; and although the noble Earl undoubtedly possessed great influence in the borough, he had never attempted to use it against him, and that influence was derived quite as much from the noble Earl's high character and the regard in which he was held as from his property or any other circumstance.

Mr. FELLOWES said, he should not have thought it necessary, after what had fallen from his right hon. and gallant Friend, to address the House on this occasion, if he did not think he could put the House in possession of facts of which his right hon. Friend was of necessity altogether ignorant. He would observe, in the first instance, that the hon. Member for Finsbury had been very badly instructed, and that he had evidently received his information from some one whom he (Mr. Fellowes) would recommend him most earnestly not to trust again. With regard to the gentlemen who had been put into the commission of the peace, the hon. Member had stated that four were clergymen and two were laymen; but it appeared that in this respect the hon. Member was quite wrong, for three of them were clergymen and three were laymen. The hon. Member had also stated that the whole of these gentlemen had taken an active part in the late contest for the county of Huntingdon. He (Mr. Fellowes) begged to tell him that here again he was wrong. Two of the gentlemen, who were clergymen, resided in his (Mr. Fellowes) own neighbourhood, where for some time past a great want of magistrates had been experienced in carrying on the business of the petty sessions; and with a view to remedy this inconvenience it was suggested to the noble Earl who held the office of Lord Lieutenant of the county that it was desirable to increase the number of gentlemen in the commission of the peace in that district. In consequence he had nominated these two gentlemen, who happened to be clergymen, for the simple reason that there were no laymen who were qualified in the district. With regard to one of the other gentlemen, who was a clergyman also, he resided in a part of the county where there was no magistrate within a considerable distance, and the necessity of having one was so great that it had led to this gentleman's appointment. But with reference to him, instead of taking an active part in the late contest for the county, he had taken no other part than to give one vote for one of the Tory candidates, and that candidate it was not his (Mr. Fellowes) lot to be. As regarded the other gentleman to whom the hon. Member had alluded, and whom he called a clergyman, that gentleman was a layman and took no active part in the late election for the county. He (Mr. Fellowes) did not know that he was even a voter; but certainly he did not vote. Since that, however, his father had died, and he had taken a very active part against the Tory candidates. With reference to the remaining two gentlemen, who lived in the borough of Huntingdon, sufficient had been said by his right hon. and gallant Friend, who was intimately acquainted with them; but he (Mr. Fellowes) could confirm every word which had fallen from his right hon. and gallant Friend as to the respectability of these gentlemen and their qualifications to act as magistrates for the county. He would only add to what his right hon. and gallant Friend had stated, that he was quite sure that in making these appointments his noble Friend the Lord Lieutenant had been actuated solely by an anxious desire to do that which he believed to be for the interest of the county.

SIR JOHN WALSH thought that a sufficient answer had been given to the question of the hon. Member for Finsbury; but there was one rather unguarded observation which had fallen from his right hon. Friend the Home Secretary; and he should be sorry if it went forth as a correct version of the general practice of Lords-Lieutenant. He had understood his right hon. Friend to state, that it was the almost universal practice of Lords-Lieutenant to be guided by political motives in making appointments of this sort. Now, he must say, that he thought that view of his right hon. Friend was an erroneous one. He believed that the Lords-Lieutenant throughout the country were extremely cautious not to allow their political bias to influence them in these appointments; and that it would be found they had always acted upon that principle, and whenever it appeared that a gentleman of opposite opinions was fairly and legitimately entitled to a seat on the bench, they almost always preferred appointing him to appointing one of their own party, if it were only for the mere purpose of avoiding possible imputations.

SIR JOHN PAKINGTON said, he knew nothing of the circumstances of this case; but he thought it right, in justice to Lord Sandwich, to remind the hon. Member for Finsbury that no inference whatever of any kind could be drawn from the fact of a Lord-Lieutenant at one time refusing to appoint, and at another time appointing, a clergyman to the office of magistrate. In the case of his (Sir John Pakington's) own county, where they had a Lord-Lieutenant who, he was bound to say, exercised his high duties in as honourable and conscientious a manner as any man ever did, and never dreamt of what were the politics of any of the magistrates, the rule was not to put clergymen in the commission of the peace; nevertheless, he did appoint clergymen in districts where qualified laymen were not to be found; and in that part of the county with which he (Sir John Pakington) was connected there were abundant instances of his having in one case appointed a clergyman whilst in another case he had refused, and that in the most conscientious and honourable manner.

Subject dropped.

DISTURBANCES IN TRAVANCORE.

OBSERVATIONS.

SIR ANDREW AGNEW said, he rose to put a question to the Secretary of State for India respecting the disturbances which have taken place in Travancore:—With respect to the burning of Mission Chapels; the ill-treatment of Missionaries and Native Converts; the interruption of Low Caste funerals by men of High Caste; and the alleged conduct of the British Resident. The hon. Baronet, who was almost inaudible, said that a letter had been received from the Rev. Mr. Baylis of Negoor, South Travancore, in which the following passage occurred:—

> "The higher caste Natives, especially the Nairs (the Malayan Soodras) are rising against the Shanars, especially against those of them who are Christians. Seven of our chapels have been burnt down. . . . . Last night seventy-nine houses belonging to Roman Catholics in Kotar, a large place near Nagercoil, were burnt down, and a woman and child perished. The British Resident's bungalow (used when he is out on circuit) has been burnt down."

Mr. Baylis went on to say,—

> "The Resident gave us an interview, though not at first with a very good grace, and had the Dewan present."

The following letter had also been received from the Rev. Mr. Lewis, at Santhapooran, South Travancore:—

> "The present dispute is between the Soodras and other high castes on the one hand and the Shanars and other low castes on the other, and not between the heathen and Christian portion of the community."

He states that the Christian Natives and others also have adopted a sort of jacket to cover themselves from the waist upwards. The Soodras, enraged at this, are

> "Beating them unmercifully, plundering their houses, and setting them, as well as our chapels, on fire. In all this they are secretly, and in some instances publicly, encouraged by the Circar officials, all of whom are high caste men. The complaints of the Shanars on this score are rejected by the Government, and their evidence refused; the evidence of the Soodras only, the aggressors in the whole affair, is received by them. The British Resident, General Cullen, also sides with the high caste portion of the community, so that the Shanars, including all our Native Christians, being proscribed, have not a friend belonging to the Government who will speak a word in their behalf, or who has any desire to aid them. What the people of Travancore require, and what they ought to have, is the same privilege as the same classes enjoy in the neighbouring territory of Tinnivelly,—namely, the liberty for men and women of all castes to dress and build their houses as they choose."

He hoped the noble Lord would give the House an assurance that, while unbounded toleration would be extended by the Government to all religious beliefs, care would be taken that mutual toleration should be practised by religionists among themselves.

Lord STANLEY stated that no official information had yet been received upon the subject to which the hon. Baronet had directed his attention, and he did not think it would be proper or convenient that he should enter into a discussion upon it in the absence of such information. He did not mean to cast any discredit upon the statements which the hon. Baronet had read to the House, but it must be recollected that they were made on the authority of private individuals; and he thought it would only be dealing fairly with the officers of the Government if he asked the House to suspend its judgment till the official statements and the opinions of the local authorities at Madras should have been received. As to that general pledge which the hon. Baronet asked him to give, he thought the best and most fitting pledge he could give

Sir Andrew Agnew

of his determination to do impartial justice was to wait till all the facts were before him, and then to deal with the question in that manner which the facts appeared to justify.

Sir ANDREW AGNEW said, he would repeat his question next Friday.

CHURCH RATES—QUESTION.

Mr. SCHNEIDER, in the absence of his hon. Friend the Member for Tavistock, (Sir J. Trelawny), asked the Chancellor of the Exchequer whether the Government would consent to give his hon. Friend a morning sitting for the discussion of his Church Rates Bill, in order that Members might not have to wait night after night expecting it to come off.

The CHANCELLOR of the EXCHEQUER said, that the hon. Baronet the Member for Tavistock, though obliged to deal with an acrimonions subject, had always treated the House and the Government in so kind and courteous a manner, that he thought it his duty to accede to the suggestion which had just been made. He was sure, too, it would be the general wish of the House that a morning sitting should be appointed for the discussion of the Church Rate Bill, especially as the present position of public business, and the necessity of getting on with it, would deprive him of the power of appointing an evening for the discussion of the Bill. If Tuesday morning next would meet the wish of the hon. Baronet and his Friends he would arrange accordingly.

INCUMBERED ESTATES COURT (IRELAND).—QUESTION.

Mr. J. D. FITZGERALD said, he wished to ask the Chief Secretary for Ireland whether it is the intention of Government to recommend the appointment of a third Judge of the Landed Estates Court (Ireland), in the room of Judge Martley, lately deceased? He reminded the House that when this Bill was before the House last year it was proposed by the Government that there should be only two Judges of the Court, and that Mr. Hargreave, the English Judge, should return to this country at a full salary. But that proposition was generally opposed in the House, and at last the Government acceded to the Amendment that there should be three Judges instead of two, but upon the clear understanding that in the event of a vacancy occurring it would not be filled up unless the necessity of the case required it. Now a vacancy had taken place, and they had a return of the business which had of late been brought before the Court, from which it appeared that the business had greatly fallen off. In the old Incumbered Estates Court the petitions used to average 100 per month; they had now fallen to fifteen per month; and with regard to the new jurisdiction for investigating titles, there had not yet a single petition come before the Court. Under these circumstances he put it to the Government whether it was desirable that the vacancy caused by Judge Martley's death should be filled up? It was true that the Solicitor General for England had introduced a Bill of a similar nature for this country, and he understood that if it should pass, Judge Hargreave was to be removed from Ireland to give the benefit of his great experience to this country. However, it was to be remembered that the Bill had not yet passed, and Mr. Hargreave might not be removed at all. He had called the attention of the noble Lord to this subject on Tuesday last, and he now repeated his Question, because, if this vacancy were filled up, for which he thought circumstances showed there was no necessity, any further allusion to it would be too late.

Colonel FRENCH said, he could not understand the object of his hon. and learned Friend. When the Bill was before the House last year there was a strong feeling in which his hon. and learned Friend joined, in favour of retaining three Judges, and in deference to that feeling the Government were obliged to give way. He denied that any reason whatever had been shown for altering their opinion. It was true the business had of late somewhat diminished; but he believed much of that might be attributed to the stringent rules which the deceased Judge had laid down, and which it was to be hoped would be given up. He hoped, therefore, that the government would discharge their duty, and fill up the vacancy.

Mr. J. D. FITZGERALD, in explanation observed that what he had said in June last was that he hoped no third Judge would be again appointed unless it was found that the public service required it.

THE POLITICAL PRISONERS IN IRELAND.

QUESTION.

Mr. Serjeant DEASY said, he rose to ask the Chief Secretary for Ireland, whether there is any foundation for the statement which appeared in *The Times*, that letters from the persons accused of political offences in Ireland, to their professional agent, had been intercepted or delayed by the Government?

Lord NAAS said, he would answer the second question first. It was one of great importance, for nothing could be more improper or unfortunate than that any impediment should be thrown by prison authorities in the way of persons who were awaiting their trial, communicating in the most free, unrestricted, and confidential manner, with their legal advisers. He could assure the hon. and learned Gentleman that in this case nothing of the kind had taken place; and, if the House would permit him, he would read one or two documents, which would show exactly what had happened. The by-law in force in Cork gaol, relating to the inspection of prisoners' letters, was couched in the following terms:—

> "All letters or parcels to or from a prisoner must be inspected by the Governor, who shall forward or keep the same according to the nature of their contents."

He found that the regulations adopted in English prisons, were still more strict, and provided that no letters, addressed even to a legal adviser, should be sent out of the prison without being inspected by the Governor. The English rule was—

> "Prisoners under examination, or committed for trial, are to be allowed to deliver personally to their legal advisers (such being certified attorneys), or their authorized clerks, any confidential written communications prepared as instructions for their defence, without being previously examined by any officer of the prison; but all such written communications, not personally delivered to the legal adviser or his clerk, are to be considered as letters, and are not be sent out of the prison without being previously inspected by the Governor."

According to the general regulations for prison discipline, then, all letters addressed to, or sent by, any prisoner awaiting trial, or after conviction, might be inspected by the Governor. The subject to which the hon. and learned Gentleman had called attention, was first brought under his (Lord Naas's) notice, by the following letter, which he received on Monday from Mr. M'Carthy Downing, the solicitor for the defence of the prisoners:—

> "I have the honour of enclosing, for your Lordship's perusal, a copy of a letter which I this day addressed to the Governor of the gaol of the county of Cork, and as the agent of those young men, I respectfully ask your Lordship to communicate

> to that gentleman by telegraph, that all communications from me to the prisoners, and from them to me, shall be delivered unopened by him, or any one else, otherwise, my Lord, my determination is to abandon the defence, unless my counsel are of opinion that such a course, even under such unprecedented circumstances, is not open to me. May I ask the favour of your Lordship's reply by Monday's post, directed to Tralee, care of Joseph O'Riordan, Esq.?"

The moment he (Lord Naas) received that communication, he immediatly sent the following telegraphic message to Colonel Larcom, the Under-Secretary, at Dublin:—

> "Mr. Downing's request should be complied with. Telegraph to Governor of Cork Gaol, and write to Downing by to-night's post, stating that you had telegraphed to me, and that I had at once answered in the affirmative."

Mr. Downing had, however, in the meantime made a communication to the Governor of the Cork gaol, and he was immediately informed by the Governor, that his request would be complied with, and that any communications he might make to the prisoners, or which they might make to him, should not be subject to the ordinary prison rules, but should be delivered unopened, and without being submitted to the usual inspection. In order that there might be no misunderstanding on the subject, Colonel Larcom, on the 7th of March, addressed by telegraph, the following communication to Mr. Downing:—

> "I am directed by the Lord Lieutenant to inform you that your letter of the 5th instant to Lord Naas was forwarded yesterday to London, and a telegram has been this day received from his Lordship, desiring that directions should be given to the Governor of Cork County Gaol to forward, unopened, all letters on legal business to and from the prisoners charged with being members of an illegal society. A letter has this day been received from the Governor of the gaol, enclosing a copy of his correspondence with you, from which his Excellency learns with satisfaction that the course indicated above has already been adopted. And his Excellency's approval of that course has been communicated by this day's post to the Governor."

It would be seen, therefore, that under the peculiar circumstances of the case the ordinary prison rules had been waived, so that all communications between Mr. Downing and his clients might be conducted confidentially on the subject of the prisoners' defence.

With regard to the question that had been put to him by the hon. and learned Member for Ennis, (Mr. J. D. FitzGerald) he was afraid he could only return the same answer he had given to a similar question last Tuesday. He thought, however, that the

Lord Naas

hon. Gentleman made a somewhat extraordinary statement when he said that there was any compact entered into last year with regard to the appointment of the third Judge of the Landed Estates Court. He (Lord Naas) was present during the whole of the debate on that subject, and he certainly never heard that any such understanding was entered into. If there was any understanding at all, it was that the Court should for the future consist of three Judges; and the hon. and learned Gentleman himself, in the speech he made on that occasion, expressed a very strong opinion as to the advisability of retaining the three Judges in the Court. The hon. and learned Gentleman said—

> "If this Commissioner was to be superseded, he ought to retire upon his full salary; but he must be permitted to add that it appeared to him most unwise to reduce the number of Judges at the very time when the proposed alterations would obviously have the effect of materially adding to the business of the Court.

The Government originally proposed that the Court should consist of two Judges only, but the opinion of the House appeared to be so decidedly expressed in favour of three, that the point was given up by the Attorney General, and the number of Judges was fixed by the Bill accordingly. The hon. and learned Gentleman had said that the business of the Court had not increased, but he seemed entirely to forget that the rules under which the new procedure was established were only published at the end of last October, that the return which had been made was dated early in February, and that it therefore only refers to the proceedings of the Court during three months, which afforded no criterion of the business which was likely hereafter to be thrown into the Court. It was, however, clear that the public were not yet in a position to take full advantage of the Court. The new rules of procedure were not generally known, and it was impossible at this moment to form a judgment as to the ultimate result from the proceedings of two months, while the Court was, so to speak, in its infancy. He could only say, in reply to the question of the hon. and learned Gentleman, that no decision had yet been come to by Her Majesty's Government; and that no appointment had yet been made. The whole question was still under consideration, and he could assure the hon. and learned Gentleman that in arriving at a decision the Government would only be influenced by regard for the interest of the public service and the future good working of this important Court.

IMMIGRATION.—EXPLANATION.

Mr. BUXTON said, he wished to explain that having stated on Friday last that the Anti-Slavery Society was opposed to all immigration, he had since been requested, on behalf of the Society, to state that its members were not opposed to a perfectly free immigration.

COMPENSATION TO PROCTORS.

QUESTION.

Mr. HADFIELD said, he would beg to ask Mr. Chancellor of the Exchequer, whether the Government intends to bring in a Bill to enable Serjeants, Barristers at Law, Attorneys, and Solicitors, to practise in the High Court of Admiralty, without compensation to Proctors; and whether the yearly compensation to Proctors and other officers of the late Ecclesiastical Courts, made and to be made under the Probate Act, has been ascertained, and, if so, the probable yearly amount thereof; and what yearly amount has been received by way of contribution, in fees or otherwise, in diminution of such compensation to Proctors and other officers, and of the new Court of Probate, from suitors and parties proving Wills and taking out Administrations; and what may be the probable yearly amount of the expenses of the said Court of Probate, and of the compensation to Proctors and other officers.

The CHANCELLOR of the EXCHEQUER: It is not the intention of Her Majesty's Government at present to introduce a Bill for the purpose of enabling serjeants, barristers-at-law, and attorneys and solicitors, to practise in the High Court of Admiralty. If such a Bill should at any time be introduced I think that will be the fittest period for considering the conditions under which that admission should take place. But I may state, in passing, with regard to compensation to proctors — in case that question should have to be considered again with respect to the opening of the Court of Admiralty, that the profits of the Proctors in that Court were not taken into consideration by the Commissioners appointed to inquire into the amount of compensation which the proctors should receive. There are other inquiries of the hon. Member for Sheffield to which I will venture to give an answer. The hon. Gentleman seems to consider that a very exaggerated estimate was laid before the House of the amount which would be required to compensate the proctors for their lost privileges. When the matter was first brought under my consideration an estimate was submitted to me which was necessarily drawn from vague and imperfect materials; it was essentially what is called a rough estimate; and it stated the probable amount which would be required to make good the total compensation to the proctors and the various officers of the court at £250,000 per annum. In the financial statement which I afterwards submitted to the House I found it necessary to provide a sum of £200,000 a year to meet that charge. Under those circumstances I thought it best to appoint a Commission, of which the Judge Advocate and my hon. Friend the present Secretary to the Treasury, who had then a seat in this House, were members. That Commission was nominated at the commencement of April; and at the commencement of July the Judge Advocate, in answer to an inquiry from an hon. Member, informed the House that the proximate estimate of the amount of compensation which the Commissioners were able to form, after three months' labour, was £176,000 a year. The inquiry is now almost completed; there are only a very few claims unsettled, while a very near estimate can be made of the amount of those claims; and the aggregate annual compensation to the proctors and all the officers of the Court may now be taken at not more than £130,000 a year. It is due to the Judge Advocate and to the present Secretary to the Treasury that an acknowledgment should be made of the public service they have rendered by the searching investigation which they instituted into those claims. I believe it is to that investigation we owe the large reduction which has been made in the charge. Perhaps I may as well state a fact which will show the searching character of that investigation, and the aid which has been received from the records of the Income Tax Commissioners during its prosecution. They had before them claims based upon incomes of many thousands a year, on which the compensation was to be calculated; but on a private reference to the records of the Income Tax Commissioners they found that the gentlemen who were alleged to have been in possession of those large incomes had reported themselves to the Income Tax Commissioners as having been in the receipt of incomes of a very different character. So much has been said against the income tax that I thought it right to state an instance in which it has operated with so much advantage to the public. With regard to the fees and stamps to which the hon. Gentleman had alluded which are to be received from suitors, and are to go in diminution of the claims of the proctors, I think I may say that their amount is something between £50,000 and £55,000 a year; this is about the sum which will be required for the maintenance of the new Probate Court; so that the result of the whole transaction is that it will cost the country a sum of £130,000 a year.

Sir RICHARD BETHELL said, that in the Bill originally introduced by him, when the scheme for testamentary jurisdiction was of a much larger character than at present, he proposed compensation for the proctors. The last Bill, which was introduced by the Government, made no such provision. But the proctors had many influential friends in the House, and they compelled the Government to give them compensation as the price of the passing of the Bill. He at that time calculated the compensation to the proctors at about £60,000 a year, but that was only estimating their profits in causes relating to the administration of estates and to the probate of wills. The compensation which was ultimately given to them extended not only to that department but to the profits derived from marriage and divorce causes, which were the subject of another Bill; and he understood from the Chancellor of the Exchequer that the aggregate amount of compensation to the proctors in both departments and to all the officers of the court amounted to £130,000 a year. In that was included, he believed, no less than £8,000 a year to the late registrar, a very considerable sum to his successor, Lord Canterbury, and large sums to the registrar, Judges, and officers of the abolished Court. Deducting these amounts, and the amount upon the marriage and divorce practice, he believed that there would not be much difference between his original Estimate and the sum which had been just named by the Chancellor of the Exchequer. It might, therefore, be perfectly true, as the right hon. Gentleman said, that this measure, in consequence of the kind and charitable interposition of Gentlemen opposite, would cost the country £130,000 a year; but deducting the fund which he had provided in order to pay the compensations, he ventured to think that there would in reality be little or nothing to pay on account of the change of testamentary jurisdiction. He (Sir Richard Bethell) had consented to the insertion of a clause throwing open the Admiralty Court; but it was struck out in "another place," and in consequence of the pressure of the Session he was compelled to assent to its omission. He had intended to bring in a measure for the same purpose, but when he quitted office the right hon. Gentleman (Mr. Walpole) had undertaken the task.

Mr. MALINS said, that the right hon. Gentleman the Chancellor of the Exchequer had estimated the compensation to the proctors and all the officers of the court at £130,000 a year. Now he should be glad to know what portion of that sum was to be paid to the proctors alone. He wished to obtain that information, because he believed it would show that the compensation of those gentlemen—a compensation of which he had been a decided advocate—was not by any means of the extravagant amount which many people at one time supposed. It should be recollected that certain fees which were paid for proctorial bills were to go to the fund for providing that compensation, and he believed that those fees would be sufficient or nearly sufficient, to meet the whole of the charge which the compensation would impose; so that no new burden, or at least no new burden of any considerable amount, would be thrown by that operation upon the Consolidated Fund.

Mr. MOWBRAY said, that it was no part of the duty of the Compensation Commissioners to inquire what would be the amount paid by way of fees in the new court; and he could give no information upon that subject. He could, with considerable confidence, state to the House that the whole amount of the compensation in that case for the proctors and all the officers of the court would not exceed £130,000 a year in England and Ireland. The sum to be paid, as far as the Commissioners had already ascertained, was £123,260 a year, of which £52,000 were to go to the London proctors; £12,500 to the English country proctors; and £8,900 to the Irish proctors, making a total for the proctors of £73,400 a year. Then there were for the Judges and officers of the court £42,010 in England, and £7,850 in Ireland; making a total for Judges and officers of £49,860. His hon. and learned Friend the Member for Aylesbury (Sir R. Bethell) had said that the proctors had found influential friends on that (the Ministerial) side of the House; but the fact was that their claim had been strenuously supported by some hon. Gentlemen now on the Opposition benches, and more especially by the noble Lord the Member for London, who had evinced remarkable zeal in their cause, and who presented their petition for compensation. Before he resumed his seat he wished to bear his testimony (and he was sure the Chancellor of the Exchequer would have done so had he posessed any practical knowledge on the subject) to the valuable character of the labours of Mr. Follett, the taxing master of the Court of Chancery, while serving as a Member of the Commission. That Gentleman possessed special qualifications for the due discharge of the duty with which he had been entrusted, and he had turned those qualifications to the most useful account.

Sir RICHARD BETHELL believed that eventually it would be found that not a single shilling would have to be paid by the country for the compensation of these officials.

Mr. SALISBURY said, that Mr. Raikes, the Registrar for the diocese of Chester, had had £3,300 awarded to him as compensation. As soon as that gentleman heard that that amount had been awarded to him he wrote a letter (which appeared in the public journals) to the Bishop of Chester, stating his great surprise that the public money should be voted in that way, and promising to devote £1,100 every year out of the £3,300 to proper and charitable purposes in the diocese of Chester. He wished to know what sum had been given as compensation to Mr. Moore?

Sir STAFFORD NORTHCOTE said, the amount was £7,990 per annum, that being the exact amount of Mr. Moore's income upon an average of three years before the passing of the Act. In all these cases the same principle had been applied in awarding compensation. As to Mr. Raikes, that gentleman had behaved with the greatest liberality, and said he did not wish to press his claim for any exorbitant amount. But it was impossible to proceed upon any different principle in considering his case from that adopted in other instances. Mr. Raikes was not entitled to the whole of what he received, but only to a certain proportion; but in consequence of the large amount of his business and of his receipts he received the sum mentioned by the hon. Gentleman. He had since devoted one third of his compensation, or £1,100 a year, to purposes connected with the church. This was much to the honour of Mr. Raikes, but surely it reflected no discredit on those who allotted the compensation.

ARMY PURCHASE, &c.

QUESTION.

Sir DE LACY EVANS said, that he wished to ask the Secretary of State for War the cause of the delay in laying before the House the Proceedings and Papers, or Data, relating to Sir Charles Trevelyan's Abolition of Army Purchase scheme, moved for on the 15th and 17th of February? There was also another question which he wished to ask, and that was, whether it be the fact that only 250 of the approved new rifled cannon are at present ordered or expected to be constructed within the current year; and, if so, whether this arrangement is adequate to the present wants of the army and navy; and whether it would be practicable to afford Sir William Armstrong greater proportional means of construction?

General PEEL rose to reply, but—

Mr. SPEAKER intimated that it was against the rules of the House that any hon. Member should speak twice upon the Question of the adjournment of the House.

FEMALE EMIGRATION.—QUESTION.

Mr. W. EWART said, he would beg to ask the Secretary of State for the Colonies whether in cases of emigration by females due care is or will be taken, that the female emigants are placed under the charge of a matron duly appointed or selected by the Government? The usual course at present was, he believed, for the surgeon to choose out of the intending emigrants the one who seemed most fitted for the office; but it was needless to point out that such a system afforded no guarantee for the possession of the necessary qualifications. The character of these matrons ought to be of the best description; their position ought to be a permanent one, and lastly, they ought to be properly remunerated for their services.

Sir EDWARD BULWER LYTTON believed that the subject had excited a good deal of interest, and he was very thankful to the hon. Member for calling attention to this or any other matter connected with emigration. In all emigrant ships which were chartered by the Emigration Commissioners, matrons were appointed to take charge of the single women, and it had been recently decided to organize a class of matrons who should be allowed home passages from the Colonies, and should be employed as occasion required. This regulation would affect all ships chartered by the Emigration Commissioners; but no matrons would be appointed to the ordinary emigrant ships. There was no power by which these appointments could be made, and even if such a power existed, no authority could be given to the matrons thus appointed. Nor did he think it possible to procure that power, except to a very limited extent, even by an Act of Parliament, because a large number of emigrants went to America in American ships, and if even matrons were received on board, the moment those vessels left British waters away went British authority over them, and away, too, would go the authority of the matrons. As far as the Government was concerned, every attention in their power was given to the subject.

Mr. KINNAIRD said, his impression had been that back passages were only allowed to matrons from Sydney, and not from the other Australian colonies. Great evils had arisen in emigrant ships from the want of properly qualified matrons. Sometimes 300 or 400 single women were on board, and under proper control they might be taught needlework, and the voyage might be made very instructive. He hoped the hon. Gentleman would communicate with the Colonial Government on the subject, in order that proper salaries might be appropriated for the pay of these matrons, and that they might be provided with a passage home from all the Australian colonies.

VACCINATION.—QUESTION.

Mr. MONSELL said, he wished to put a Question to the Vice President of the Committee of Privy Council of Education, with reference to the exercise of the powers vested in the Privy Council for the protection of Public Health. He had recently called attention to the enormous rate of mortality from smallpox in certain districts, a mortality which he thought must have resulted from the want of an efficient system of vaccination—at any rate, up to the present moment no good appeared to have resulted from the exercise of the powers which had been vested in the Privy Council, for he found by the returns that during the last sixteen weeks there had been more deaths from smallpox than there had been during the preceding eighteen months, and that too in the metropolis alone. It appeared from the return of the Registrar General that in twenty-seven counties of England and in the whole of Wales this epidemic prevailed; and he wished to know if the powers given to the Government by the Act of last year had been carried out. It had been stated in another place that something had been done to secure an efficient supply of lymph, and that certain recommendations had been issued to the Poor Law Unions; but he believed that the important power given of framing regulations which should ascertain the qualification of the public vaccinators in the different unions, and secure the services of the best, had not been carried into effect. The returns showed that out of 1,000 properly vaccinated only three died from attacks of smallpox, but 150 out of 1,000 died of those who were improperly vaccinated. It was most important, therefore, that the best vaccinators should be obtained, and he wished to know what steps the Government had taken to secure that result.

Mr. ADDERLEY admitted that the epidemic to which the right hon. Gentleman had called the attention of the House prevailed to a considerable extent at the present moment; but he could at the same time assure him that the Privy Council had exercised to the utmost all the powers which had been conferred upon them under the Act of last Session. They had done everything, for instance, which that Act enabled them to do in the way of inquiry, of procuring reports and returns, of giving advice, and of setting in motion local authorities in many parts of the country. They were issuing such regulations to the boards of guardians for the purpose of raising the qualification of public vaccinators as they thought could be enforced. Some delay had been occasioned in the issue of those regulations, owing, in the first place, to the necessity of entering into a correspondence on the subject with the Poor Law Board; and, secondly, to the circumstance that a hope was entertained that security for due qualification of vaccinators could be most effectually attained through the machinery of the Medical Council, which had been called into existence under the operation of the Medical Practitioners Act. The conclusion had ultimately, however, been arrived at, that though much good could be properly worked out through that channel, yet regulations should also be issued to the boards of guardians providing that in the case of all contracts entered into between them and a public vaccinator his name should appear in the public register under the Medical Act as having passed an examination both on the subjects of medicine and surgery, and if that provision were not complied with the contract would be void. The Privy Council had also drawn up directions by way of recommendations for the more effectual performance of vaccination, which would be issued to every Poor Law Union throughout the kingdom, and had taken steps to have quarterly returns sent them from the various boards of guardians, showing the number of successful vaccinations which had taken place in each union, from the comparison of which returns with the number of births they would be able to detect whether their instructions had or had not been properly carried into effect in any particular union. In those cases in which they should thus discover the existence of neglect they would immediately send down inspectors, and take the necessary measures to enforce the authority which they possessed, and, if necessary, to set the law in force for the imposition of penalties. The Compulsory Vaccination Act had been to a great extent ineffectual from the want of officers to see its provision carried out, but this defect was fully supplied by the last clause in the Act of last year. They had, moreover, provided for the establishment of provincial depôts of lymph in several parts of the country. The number of those depôts in England would, he believed, be about ten, which would be put in communication with the National Vaccination Board, and by means of them an ample supply of lymph would be secured in all quarters of the kingdom. He might observe, in conclusion, that the Privy Council had instituted inquiries in the cases of Windsor, Conway, and other places in which they had learnt that sickness had become prevalent, and that the drainage was in an unhealthy state, and had in all such cases induced the local authorities to put in force the powers which had been conferred upon them, with a view of providing a remedy for those evils. All that they did would, in obedience to the law, be reported to Parliament; and when the first Report on the subject was laid upon the table the House would be in a position to form a judgment how far they had performed their duty.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

SUPPLY.

Order of the Day for going into Committee of Supply on the Navy Estimates.

Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

RIFLED CANNON.—QUESTION.

SIR DE LACY EVANS said, he would beg to ask the Secretary of State for War whether it be the fact that only 250 of the approved new Rifled Cannon were at present ordered or expected to be constructed within the current year; and if so, whether this arrangement is adequate to the present wants of the Army and Navy; and whether it would be practicable to afford Sir William Armstrong greater proportional means of construction?

GENERAL PEEL said, he would take that opportunity of answering some Questions which had been put in the course of the preceding debate. The papers relating to Sir Charles Trevelyan's abolition of army purchase scheme, moved for on the 15th and 17th ult., would be laid on the table of the House in a few days. He had also been asked by the hon. and gallant Member for Westminster (Sir De Lacy Evans) whether it was the fact that only 250 of the approved new rifled cannon were at present ordered or expected to be constructed within the current year. He was not quite sure whether it was very prudent or politic to state the exact number of guns constructing. He had stated, on a former occasion, that the new artillery would be supplied as quickly as it could possibly be made, and also that the manufacture would be proceeded with at Woolwich, as well as at Sir William Armstrong's establishment at Newcastle. The hon. and gallant Member was mistaken in supposing that any grant had been given to Sir William Armstrong. All that had been done by the Government was this, to give a guarantee that whatever was laid out by Sir William in machinery or additional buildings for the purpose of executing the Government order, should be refunded to him in event of the order being withdrawn, the amount to be ascertained by arbitration afterwards.

DOCKYARD EXPENDITURE.

Lord CLARENCE PAGET moved an Amendment to the Question "That Mr. Speaker do now leave the chair."

> "That, in conformity with the practice of Public Departments of laying before the House detailed Estimates for works costing above £1,000, it is desirable that a Statement in the following form, showing the proposed expenditure in the construction and conversion of Her Majesty's Ships be annually laid before this House with the Navy Estimates:—(*form*)"

He believed his Resolution was founded both in reason and good policy. If the rule that applied to all other public works were adopted with regard to the building ships of war, the country would not be liable to those periodical panics that now frightened the public from its propriety. There would therefore be nothing unusual so far as precedent went in such a rule as that which his Motion established. With respect to all other works, such as docks, warehouses, piers, &c., the Minister proposing their construction was obliged to tell the House of Commons what he proposed to do, and asked for the money to do it. The expenditure for great works of this kind was generally spread over several years, and the House of Commons had year by year an exact account of the sums expended, and to be expended on such works according to the form above mentioned, and were most wisely jealous of any tampering with those estimates and of any proposition for additional sums. If any additional votes of money were asked for on account of those works they were always met with some inquiry in the House; but if the works to be constructed were vessels of war the House knew nothing about them. In the present Navy Estimates more than £2,100,000 was asked for on account, they were told, of the cost of materials for shipbuilding; but they were not told whether it was to be used for building frigates, line-of-battle ships, or corvettes. They were asked for the gross sum, but they had no means of judging whether the money would be wisely laid out, or whether it had been wisely laid out in former years. He admitted that the First Lord of the Admiralty had this year to some extent broken through the old routine and reserve; he had actually taken the House of Commons into his confidence and told the House what he wanted to do; and consequently they were ready to vote him the money he required. But at the Admiralty they were all aghast at the innovation; they could not believe there that the First Lord had told the House of Commons what he was going to build—what, in fact, he was going to do with the public money. The object of his Motion was simply to oblige—not the right hon. Gentleman, who, he believed would be quite ready to do it, but—his successors to adopt the same course. He wished to have it placed on record as a rule not to be broken through, that the House of Commons should have the same control over shipbuilding as over the construction of docks and barracks. The expense of those works could not always be estimated; their cost was liable to be increased by unforeseen circumstances —an irruption of water, or defective foundations. But the cost of ships of war could always be exactly calculated; and he wished the House to have, every year, a list of the ships the Admiralty had built in the past year, and of those it intended to build in the year following. If this Motion were accepted, he believed that such statements as the right hon. Gentleman (Sir John Pakington) made on a former night, and which had created such a painful sensation out of doors—namely, that after laying out £20,000,000 on a steam navy, simply for the construction of the ships, and exclusive of the cost of their engines and machinery, we were both in numbers and quality inferior to the French in line-of-battle ships, would be impossible. There was another reason, and a very strong one, that induced him to propose this Resolution. There had been a system of extravagant expenditure pursued by the shipbuilding department of the Admiralty, which, he maintained, ought to be thoroughly looked into. In the statement he was about to make the figures he should have to quote to the House really appalled him. If the right hon. Gentleman could correct or controvert them no one would be more pleased than himself. He had last year brought this subject under the attention of the House during the discussion of the Navy Estimates; and the Government was then asked why it did not furnish some detailed statement of this expenditure for its own credit. He had looked with some anxiety for this year's Estimates, hoping that the right hon. Gentleman, in deference to the opinion of several Members who spoke last year, would have given some little information in those Estimates as to what ships he was going to build. He had looked carefully through the estimates, and only in vote No. 10

could he see anything thing to show what the Admiralty was building. The only item for ships in course of construction was for two dredging machines and some mud barges; that was all there was to show what was being done for £2,000,000 of money. This really looked like a bitter pleasantry on the part of the First Lord. He had been requested by many Gentlemen last year to go into an examination of the expenditure under this head, and he had done so during the recess. He had taken the expenditure of four years, and had gone through the dockyards to see what the public had got for its money, with the view of calling the attention of the House to the subject. But since the meeting of Parliament the right hon. Gentleman the Member for Halifax (Sir C. Wood) had moved for a return of the number of steam vessels added to the navy since 1848, or during a period of eleven years; and he had in consequence carried his inquiries back to that period which he would now present to the House. The result from this return was that we had during those eleven years built in the dockyards 24 line-of-battle ships, 21 frigates, 35 corvettes and sloops, 1 floating battery, 2 gun vessels, 14 gunboats, 2 tenders, and 1 yacht. During the same period we had converted from sailing ships to screw-steamers 9 line-of-battle ships, 7 blockships, 4 mortar ships, and 1 troop and store-ship. During the same period we had also purchased a great many vessels; but that did not affect the present inquiry. By the courtesy of the First Lord of the Admiralty he had obtained from the Surveyor's-office a statement of the cost of building these vessels. The line of-battle ships were as to cost divided into two classes, represented by the *Duke of Wellington*, which cost for the hull, £106,291, masts, yards, rigging, sails, and stores, £19,224; total, £125,515; (this was exclusive of the engines; and he begged the House to bear in mind that on both debtor and creditor side he entirely avoided any allusion to engines); and the *Agamemnon*, which cost for hull, masts, and yards, £106,000. Taking the mean between these two sums (which was rather favourable to the Admiralty)—namely, £116,000 the cost of the 24 line-of-battle ships would be £2,784,000. Of the frigates, the *Shannon* cost £91,000. There had been twenty-one ships built called frigates, most of which were much smaller than this vessel; but as the *Mersey*, *Orlando*, and one or two others were larger, he had taken the cost of all at that amount, which would make the expenditure upon frigates £1,911,000. Of corvettes, the Surveyor reported that there were three classes, the *Pearl* class, the *Harrier* class, and the *Swallow* class. The *Pearl* cost £46,850; and it was worthy the attention of the First Lord of the Admiralty that, while that ship cost that sum for labour and materials alone, exclusive of the charge for plant and stock, a similar ship with the same scantling, only longer in the bow, of 1,524 tons builder's measurement, and surveyed by the surveying officers of Lloyds', was built for the Portuguese Government for £40,624. The 35 corvettes were built at a cost of £1,050,000; the floating battery, the iron plates for which were taken from the vessel which was burned in Mr. Scott Russell's yard, £30,000. (this amount he got, not from the Surveyor of the Navy, but from a private yard where one of these vessels was built); two gun vessels, £26,000 each, £52,000; 14 gun-boats, £8,000 each, taking the mean cost of the different classes, £112,000; two tenders, £2,000 each; and one yacht, the *Victoria and Albert*, £50,000—£54,000. The whole amount paid for building during the eleven years was therefore £5,993,000, or in round numbers, £6,000,000. He now came to the conversions. During the eleven years we had converted in the dockyards 9 ships of the line, 7 block-ships, 1 troop-ship, and mortar-ships, making a total of 21 ships. The right hon. Baronet stated the other evening that the cost of converting these ships ranged from £10,000 to £40,000. He (Lord C. Paget) had taken the average at £30,000, which he believed was much above the real cost, but which he intended to include masts, yards, and sails. That gave a total for the 21 ships of £630,000. He now approached a part of the subject in which he was sure that no practical commercial man would have any difficulty in following him; but which perhaps the right hon. Baronet at the head of the Admiralty, not being a practical sailor, might not so well understand—namely, the cost of the maintenance of ships during this period of eleven years; he could, however, assure the right hon. Baronet that he had not arrived at the results which he was about to state to the House without consulting practical men both in the Government dockyards and in private establishments. He was ashamed to trouble the

House with so statistical a statement, but he was convinced that unless they once for all went into details upon this subject, some day or other there would be a catastrophe. The House of Commons and the country would willingly give to the Government any amount of money which might be required, if it could only be assured that it was spent with economy; but it was right to look into these matters, and require the Government to give them a proper debtor and creditor statement. In arriving at the cost of ships in commission, he had been obliged to revert to the system of average. He had obtained from the Admiralty a list of the ships in commission on the 1st of January, 1848, 1st of January, 1855 (at the height of the war), and 1st of January, 1859. The line-of-battle ships in commission were, in 1848, 17; in 1855, 35; and in 1859, 25; the block-ships in 1848, 1; in 1855, 4; and in 1859, 9; making the total number of line-of-battle ships (because he wished rather to err for than against the Admiralty, and would therefore count all these vessels as of that class) in 1848, 18; in 1855, 39; and in 1859, 34. The mean of these numbers was 30, and that he had taken as the average number of line-of-battle ships in commission. The question was the per centage of wear and tear which occurred to one of Her Majesty's ships when in commission. Upon that point there would necessarily be some difference of opinion; he had, however, consulted men who had nothing to do with the Admiralty, and also men who had a great deal to do with it, and he believed he was as near the truth as possible when he stated that wear and tear at 6 per cent. The mean number of line-of-battle ships in commission during the last eleven years was 30; the average cost of each ship was £116,000, and 6 per cent on this would be about £7,000, which would represent the annual wear and tear of each of the 30 line-of-battle ships. This was exclusive altogether of the machinery, for the subject was so great that to mix up the inquiry into those two heads would be to spoil the inquiry in both. If he met with any encouragement from the House he would undertake to investigate into the steam department, where things were much worse he believed, than in the shipwrights' department. Allowing 6 per cent for wear and tear for eleven years, £7,000 each for 30 line-of-battle ships gave a result of £2,310,000. The mean number of frigates during the eleven years was 18. The mean cost of frigates he had stated as £91,000; and taking the wear and tear at £5,400 each, the total would be £1,089,000. Of corvettes and other vessels of the smaller classes, the mean number was 192, and the wear and tear of them in the eleven years at 6 per cent per annum was £2,530,000, making a total of wear and tear of the 240 ships in commission of all classes during these eleven years of £5,929,000. We had now about 500 old ships in ordinary—the sooner we got rid of them the better; but there they were, and cost something each every year, say £100, which would give £550,000 for the eleven years. This gave a grand total of building, converting, and maintaining ships for the eleven years of £13,102,000. This document he had shown to a great many people, in order that any errors in it might be set right; for it was his desire that a perfectly faithful statement might be laid before the public. The only point which had been suggested to him was, that there might now be an excess of stores over the year 1848, which might amount, perhaps, to £300,000. However, he had allowed £500,000 on that head, and £400,000 for sailing ships which might have been built in this time, making a total of £14,000,000 in round numbers for the eleven years. That was the creditor side, and now for the debtor side. The money which had been voted by Parliament during that time to build and maintain these ships was contained in Votes 8, 9, and 10; at least, he only took these Votes, because he wished only to reckon the material and of the labour employed on it; but he was bound to say that in a commercial point of view these figures were false, for in stating what a ship cost the country, you must take into consideration the cost of the plant and the cost of superintendence, the cost of the master shipwrights, master blacksmiths, master ropemakers, &c. These he had excluded, and taken only the mere cost of the labour to work up the materials, and the cost of the materials. Vote 8 comprised a large number of items, wages of artificers, labourers, &c., employed in Her Majesty's establishments at home. He would take the ship-building branch only, exclusive of labour in the steam factories, medical and victualling departments, &c., and for eleven years he found that they had taken for Vote 8, £6,968,844. That was what they had paid for labour. Vote 9 was for artificers and labourers employed in the dockyards in the colonies in repairing ships, with the same exclusions. It amounted in the eleven years to £389,752. Vote 10 was for the purchase of timber, masts, deals, and other stores; and he had excluded the purchase of coal, the purchase and repair of steam machinery, and the cost of building a yacht for the emperor of Japan. The only information as to ship-building which he could get from these Votes for the eleven years was that we had built a yacht for the Emperor of Japan. Vote 10 for eleven years was £10,180,194. Besides this, during the last four years there had been expended a large sum for what was called "an excess." What that was for he had never yet discovered; but the excess for the four years amounted to £1,861,154. He was not at all disposed to aver that that sum was wholly on account of ship-building, for part of it had no doubt been for coals, steam machinery, &c., though it was not mentioned to what the "excess" was applicable. From these figures they derived a grand total of expenditure of £19,399,944. This constituted the debtor side. In round numbers the figures on one side of the account were £19,000,000, and on the other £14,000,000, leaving a deficit, or discrepancy, or whatever they pleased to call it, of £5,000,000. This was a very serious matter. The House would permit him at once to state, upon his honour, that he had no notion that there had been any malversation—far from it;—he was personally acquainted with all the officers of the dockyards, and he knew them to be good, honest, and zealous servants, and he hoped it would be clearly understood that he had no intention whatever of imputing anything improper to them. He had no intention of attacking any individual whatever; he attacked the system. He trusted that the right hon. Gentleman would be able to correct these figures; but, at all events, what he had adverted to showed the miserable system we went on. Were they to be left in utter darkness on these matters, and was all the world to be informed that after spending millions on millions upon the navy that we were unfit to cope with other maritime nations? He was bound to say that he did not share in the alarm, and he was bound also to say that although the right hon. Gentleman's statement was the truth, and nothing but the truth, it was not the whole truth. He hoped that he made that statement without offence. What he meant was, that it was a very able statement to make out his case, first to attack the right hon. Gentleman who preceded him in office, and secondly, to induce the House to grant a large sum of money to increase our line-of-battle ships, but he must say it also tended to create an alarm which he for one did not share. The First Lord for example, did not tell the House of an admirable class of vessels in which we possessed an immense superiority over the French—a superiority measured, according to the right hon. Member for Halifax (Sir Charles Wood), by 200 excellent small ships. He was not going to enter into a discussion upon the comparative merits of line-of-battle ships and gun-boats. But if he had a large sum of money to lay out he would prefer, not gun-boats exclusively, but certainly small vessels. However, without stopping to discuss that point, he would proceed to state how he could account for a considerable part of the enormous sum which he had mentioned had been spent, how it was we had got so little to show for it, and how it happened that after an expenditure of £19,000,000 we had a fleet which, according to the First Lord, required "reconstruction." Much of the money had, in his opinion, been spent in reckless and extravagant alterations, both in building and in fitments. He did not think the House had the smllest notion of what had been going on in our dockyards in the way of tinkering vessels, amputating them, performing all sorts of surgical operations upon them. They had their heads cut off, they had their tails cut off, they were sawn asunder, they were maltreated in every possible way. Ships built ten years ago by Sir William Symonds were not in fashion at the present day, and nobody could blame the Admiralty for lengthening and altering them, because, as originally constructed, they were not now fit to go to sea; but he wished to speak of the reckless alteration of new ships. Their name was legion; almost every ship was altered; there was scarcely one that had not undergone some frightful operation some time or other. Take the case of a three-decker, the *Howe*, 121 guns. She was laid down only last year or the winter before, but the dockyard people were now pulling her down to put a new bow upon her. Had any great improvement been made in the bows of ships within the last two years? Nothing of the kind had taken place that he knew of. Another case was that of the *Immortalité*, a 51-gun frigate, now being built at Pembroke. That unfortunate ship had gone through a great deal of trouble. She was first of all lengthened amidships. Last year, orders went down from the Admiralty to lengthen her five feet by the bow. Certain parties —he did not know who, but he had no doubt persons at Pembroke—thought that to lengthen a frigate five feet by the bow would be to make an imperceptible alteration, and would have no effect whatever. We lengthened yachts fourteen or twenty feet by the bow. But the authorities were inexorable, their orders were reiterated, and the poor ship was lengthened five feet by the bow. The result was, as might be naturally supposed, that either the First Lord himself, with his fine nautical eye, or some other member of the Admiralty Board, saw upon visiting her that she was not fit to go to sea, and ordered her to be pulled down again and lengthened fifteen feet. Such instances of official blundering would be amusing if they were not so costly. The *Orlando*, the *Mersey*, and, indeed, almost all that class of ships, had been more or less treated in a similar manner; but, not to detain the House, he would now ask their attention to a case which was almost incredible. Some time ago a frigate, the *San Fiorenzo*, was being built either at Deptford or Woolwich. She was a great favourite with the London folks, who used to visit her in large numbers, and a beautiful model she was. [Sir JOHN PAKINGTON: Where is she now ?] The First Lord asked where she was now. Echo answered where. Why, she had vanished into thin air—gone, he hoped, to another and a better world. Vessels of the *Lyra*, and *Racer* class began life at 450 tons, but their tonnage grew with their growth until they arrived at 750 tons, when they were launched. Was not that a reckless expenditure of money ? The fact was that scarcely a ship went to sea without costing more than the sum fixed by the original estimate. His object by his present Motion was to put an end to so extravagant a system. If his Motion were carried, the Admiralty would no longer have the power to pull a ship down without their intention becoming known to that House. If they could show a good case every Gentleman would be ready to vote the money; but this reckless expenditure they would have the means of stopping. Nothing could have induced him to submit such a Resolution if he had thought or suspected that it would impair the efficiency of the service; but he had no such fear:—his object was to introduce economy, and without economy there could be no true efficiency. If he was right or anything like right in his figures, there was an unnecessary expenditure of £5,000,000 of money, and what did that sum represent in ships. The cost of a line-of-battle ship with engines, coals, and provisions on board, was a little short of £250.000, and if they took the cost at £200,000, we ought to have, in addition to our present vessels, 22 line-of-battle ships, with engines and all complete, ready for sea. The Royal Commission on Manning the Navy proposed that they should have a large reserve at a cost of something like £500,000 a year, and they had the money for that reserve if something like economy were introduced. They had heard a great deal lately about reconstruction, and he was fast coming round to the opinion of the hon. Member for Norfolk (Mr. Bentinck) and the gallant Admiral the Member for Southwark (Sir Charles Napier) that they wanted a little reconstruction at the Admiralty. The noble Lord then proposed his Amendment.

MR. W. S. LINDSAY seconded the Motion.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in conformity with the practice of the Public Departments of laying before the House detailed Estimates for works costing above one thousand pounds, it is desirable that a Statement, in the following form, showing the proposed expenditure in the construction and conversion of Her Majesty's Ships, be annually laid before this House, with the Navy Estimates:—

Name of Ship.	Tonnage.	Horse Power.	Total Estimated Cost.	Amount already Voted.	Gross Sum already Expended.	Amount proposed 1859–60.	Further Amount required to complete.	Remarks, &c.

instead thereof.

Lord Clarence Paget

SIR JOHN PAKINGTON: I am sure that every one who has listened to the speech of the noble and gallant Lord, must appreciate the difficult task which I have to perform in answering it, inasmuch as it consisted throughout of details of the most minute character. Let me do the noble Lord at the outset the justice to say that he has addressed the House both with that ability and in that tone of moderation which he has shown on many former occasions. I am also perfectly confident that the object of my noble and gallant Friend is most patriotic. I entirely accept his statement at the close of his speech that his object is solely the benefit of the service. But recognizing the spirit of the noble and gallant Officer to this extent, I must add that I have heard this speech with the deepest regret, and that my belief is, that had he wished to do injury to the public service instead of to promote it, he could not have taken a surer mode than by the speech which he has just addressed to us. I assure hon. Gentlemen that I intend to meet the speech of the noble Lord as fairly as I can, and I will presently give reasons for the opinions which I have just stated. This is no ordinary moment with regard to the affairs of our navy. I stated the other night, with a fairness and candour which has been recognized by the noble Lord, as I felt it my bounden duty to state openly, the exact position in which our navy actually is. I told the House in what respects our navy had become inferior to the navies of other neighbouring countries. I pointed out the duty of Her Majesty's Government to ask Parliament and the nation to face that state of things and to grant an unusual sum of money to redress that inferiority and to restore our supremacy. My noble and gallant Friend now comes and makes a speech which, if it has any effect at all with the world, can only have the effect of shaking all confidence in the shipbuilding department of the Admiralty, and making the public believe that at a moment of great imporance, when we are bound to make a great effort, those by whom alone this effort can be made are not to be trusted with the expenditure of the money which Parliament grants. [LORD C. PAGET: I did not say that.] I do not say that the noble and gallant Lord said it, but that is in the inevitable result of the speech which he has made. He told us that he was not making any attack; but, from the beginning to the end, his speech can only be rightly characterized as one of the severest attacks on the shipbuilding department of the Admiralty which any man could possibly deliver against any public department. The obvious tendency of the speech was such that, instead of moving the future adoption of a particular form of the Estimates, I submit to the noble Lord that he ought rather to have concluded with a Resolution that Sir Baldwin Walker and the shipbuilding department of the navy are unworthy of public confidence. I submit to the House gravely that that is the Motion he ought to have made. And let me remind the House of a point that in fairness bears materially on the question, that as regards the subject matter of the noble Lord's speech I am wholly unconnected with it. It does not touch upon anything that can have taken place during the twelve months that I have been in office. I appeal to the House as regards my sense of partiality. I am not the champion, and on no grounds am I called upon, excepting from a sense of justice, to be the champion of the system. The results alluded to by the noble Lord occurred when the right hon. Gentleman who preceded me (Sir Charles Wood) was First Lord of the Admiralty, and when the right hon. Member for Carlisle (Sir James Graham) was in office, and during whose time these evils, if they exist, must have arisen, and not from anything that I have done during the last twelve months, and regarding which I am perfectly prepared to give the best and fullest explanation. It is clear that the censure of my noble Friend, and his intimation of want of confidence, applies to a state of things long before I had anything to do with the Admiralty. My noble Friend says that he wants to see something like decent economy. I may be allowed, in connection with this Motion, and another for to-night for referring the Navy Estimates to a Select Committee, to state how far I have endeavoured, since I have been at the Admiralty, to promote the observance of a decent economy, and what, in that view, I propose to do for the future. I stated to the House last year that I intended to appoint a Committee to investigate the state of the steamships. I stated the other night that I had appointed such a Committee, and that they had reported. I also stated that I had appointed a Committee to inquire into the dockyard expenditure with the view of seeing that the public money was spent with the greatest advantage, and that the public had full

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value for their money. I told the House at that time that the Dockyard Committee had not yet presented their Report, nor have I received that Report, but I am daily expecting it; and what I wish to state to the House now is, that as soon as that Report is in my possession it is my intention to lay it and the Report of the Steamships Committee on the table of the House for their information. I am bound to add that Sir Baldwin Walker has been called upon to submit a reply to the Steamships Committee, and it is only an act of justice, also, to give that answer with the Report. There is another step which Her Majesty's Government have taken. Impressed with a deep sense of our responsibility in the proposals which it became my duty to submit for the increase of the navy, and impressed also with the conviction that the House had a right to expect the fullest possible explanation of the rapid increase during late years of the expenditure for the navy, Her Majesty's Government thought it desirable in the early part of the winter to appoint a confidential Committee, consisting of certain Members of the Government, in order to investigate what were the causes of that great increase. The years selected for examination were the financial year, 1852-3, and the now current financial year, 1858-9. The inquiry was intrusted to four most competent persons. The first was my right hon. Friend the Secretary of the Admiralty (Mr. Corry), and I cannot revert to the part which he took without recording my gratitude and my sense of the great zeal and extraordinary ability with which he has assisted me in my arduous duties at the Admiralty. Another member of that Committee, whose name is enough to prove his efficiency, was the present Accountant General of the Navy—Sir Richard Bromley. The other two Members were Mr. W. G. Anderson, and Mr. George Hamilton, of the Treasury. Those four gentlemen went thoroughly into the question as to the cause of the increase of expenditure, and the other causes which made it the duty of the Government to propose to Parliament a large increase of the navy. The House will understand that there are portions of that Report which it will not be my duty to submit to Parliament; but every part of it which relates to financial matters and the increase of expenditure in the Navy, it is my intention to lay on the table for the further information of the House. I shall therefore within a few days submit to Parliament the Report of this confidential Committee, so far as the finances are concerned, together with the Reports of the Committees on the Steam Navy and Dockyards. I hope this statement will convince the House and my noble and gallant Friend that on the part of Her Majesty's Government there is no desire to evade the duty which rests on them to promote to the utmost judicious economy. Then my noble and gallant Friend talks of the extravagant expenditure of the shipbuilding department of the Admiralty. Now, I cannot help saying that, looking to the inevitable tendency of his speech, it is very much to be regretted that the noble and gallant Officer should make any statements to this House of such a nature without having gone into those statements in such a manner as to satisfy himself of their certain accuracy. Those statements were calculated to shake public confidence. Now, to shake public confidence unnecessarily is a great misfortune. [Sir CHARLES NAPIER: No, no!] If the noble and gallant Officer would listen to me he would not seriously dispute that assertion. To shake public confidence unnecessarily is a great public mistake and misfortune. That is my proposition, and I think he will be willing to concede it. It is my firm belief—of course I speak under correction—that my noble and gallant Friend has not taken the pains that he ought to have done to verify his assertions, and that, perhaps from inability to obtain better information, his statements cannot in substance and in fact be borne out. The noble and gallant officer took a period of eleven years, and he lumped together a number of line-of-battle ships, a number of frigates and a number of corvettes, and then assumed the cost of each, taking the cost of the *Duke of Wellington* and the *Agamemnon* as the standard of cost for the whole.

LORD CLARENCE PAGET begged to explain that he had taken the mean of the two classes of line-of-battle ships as the cost of a line-of-battle ship, and that he had estimated the frigates and corvettes in the same way.

SIR JOHN PAKINGTON: Precisely; and my belief is that, in calculating in this way the noble Lord inevitably arrives at an erroneous conclusion. The other day I took three 50-gun frigates, of which the *Shannon* was one, built at three different periods of ten years. The first cost £51,000, the second £71,000, and the third between £90,000 and £100,000.

This shows that in dealing with figures of the cost of shipbuilding it is very dangerous to take a mean. I believe that varying in cost as ships do according to their size and scantling, it is necessary to ascertain the cost ship by ship, and not to take so fallacious an estimate as the mean cost. The noble and gallant officer assumed the mean number of line-of-battle ships to be thirty. That was the number during the Russian war; but the number at that time was much greater than at any other, because after the war many were paid off. In a case where accuracy is essential it cannot be arrived at by assuming the number in this way. Then, my noble and gallant Friend arrived at the conclusion that the total cost of building ships during eleven years had been £6,000,000. The whole cost of building, converting, and maintaining ships, during eleven years, my noble and gallant Friend estimated at £13,000,000, or, with excess of stores and contingencies, £14,000,000. But has my hon. and gallant Friend in his calculation excluded machinery? [Lord C. PAGET: Yes.] If I rightly understand the noble Lord, although he may have excluded machinery in his estimate of £14,000,000, he has not deducted the cost of machinery from his estimate of stores. [Lord C. PAGET: I excluded machinery on both sides.] The noble Lord also went into a detailed statement of the cost of stores and the cost of labour and materials; bringing up the whole to £19,000,000, and then showing that there was a deficiency of £5,000,000. The noble Lord then told the House that this deficiency of £5,000,000 had been spent in reckless extravagance. If such a statement is not true — and I have the firmest belief that it is not true — or even if it cannot be substantiated, it ought never to have been made. I think that it is a very harsh charge, and that it does not rest on proof. I will not follow the noble Lord through the eleven years; but, as he told me the nature of the observations he intended to make, I thought it my duty to communicate with Sir Baldwin Walker, the Surveyor General of the Navy—[Lord C. PAGET: I said nothing against individuals] — and I hold in my hand some figures which do not travel over eleven years, but which accurately give the expenditure of the years between 1852-3 and 1857-8. I have here the cost of ship-building, converting ships, steam-machinery, repairing, fitting for sea, and in commission, troopships, yachts, tenders, &c., fitting for steam ordinary, maintaining in ordinary, hulks, taking ships to pieces, and incidental expenses. The greatest items are shipbuilding, steam-machinery, and the third, the heaviest item of all, to which the noble and gallant Officer never alluded, is the labour devoted to fitting ships for sea, and the cost incurred upon them in commission. The aggregate for the six years is £12,286,517. The item for ship-building is £2,821,406. The cost of steam machinery is £3,423,023. The expenditure under the head "fitting for sea and commission," during these six years, was £3,825,922. So that the heaviest item of the whole my noble and gallant Friend took no account of, and this runs away with the greatest portion of the labour and outlay of our dockyards. The theory of our dockyard expenditure is, that you can launch every year three line-of-battle-ships, three frigates, six sloops, and smaller vessels. The rest of dockyard labour is devoted to fitting ships and accidental expenditure. The right hon. Gentleman the Member for Halifax (Sir C. Wood) knows that during the time he held office at the Admiralty immense sums were spent upon these accidental expenses, to which the noble Lord hardly adverted at all. The noble Lord said that, in my speech on bringing forward the Navy Estimates, I attacked my predecessor, and omitted all reference to the smaller vessels which he had constructed. I know that my noble and gallant Friend was prevented from being in his place on that occasion; but, if he had read what I said, he would have found that both accusations are unjust. I said,—

> "It will be seen that during the time that that right hon. Gentleman was at the Board of Admiralty considerable additions of the smaller vessels were made, such as corvettes, sloops, and, above all, gun-boats. I am not sure whether the addition of gun-boats had not commenced in the time of the right hon. Baronet the Member for Carlisle; but our present gun-boats were chiefly added by the right hon. Baronet the Member for Halifax, and I do not think a more valuable addition has ever been made to the navy than those gun-boats."

I hope that, after reading that passage, the noble Lord will acknowledge that he was not justified in saying that I had not done justice to my predecessor, and that I had not made reference to the small vessels. On the contrary, I fully admitted, whatever might be our position with regard to large vessels, our position with regard to small vessels was very satisfactory. I have endeavoured to follow the noble Lord through his statement, and I hope that by the paper to which I have referred, and which I shall be happy to hand the noble Lord, and by the information which I have received from the Surveyor General, I have showed that, so far as the six years are concerned, there is no deficiency whatever. And in the same way I hope I shall be able to show that, instead of there being a balance of £5,000,000 unaccounted for, there is no balance whatever unaccounted for. Then, the noble Lord spoke of reckless expenditure. With respect to the *San Fiorenzo* frigate, I can make no answer, for I never heard of her before, and the noble Lord says she has gone to some better place. He has the advantage of me there. I really know nothing about her. However, of the *Immortalité*, I have heard. She was lengthened in the bows. I am not bound to defend everything done by the Admiralty during the last eleven years, or to explain any mistake in ship-building which the Department has at any time made; but this I may say, that the change in naval architecture in consequence of the introduction of steam-power has been very apparent of late years. It takes several years to complete a ship, and if the Surveyor of the Navy finds, in consequence of the more advanced state of science, that he can, while she is still in progress of construction, improve the sailing power of a vessel, alter its lines for the better, and give it finer bows, it is his duty to do so, and the duty of the Board of Admiralty to sanction the alteration. How is it that we have acquired our great naval superiority and reputation? Has it not been from the spirit and liberality with which at all times Parliament has voted whatever money has been necessary to effect and carry out these improvements? The noble Lord has made charges of a grave and painful application to those who have to bear them. I am not the man who has to bear them, and therefore I can speak impartially. The noble Lord has spoken of reckless extravagance. I believe that such a change is not just, and that the noble Lord will regret the language he has used. Those who are responsible for the efficiency of the British Navy ought not to be blamed for making changes rendered necessary by circumstances, and groundless fears, if excited, have only a tendency to paralyze the hands of those who are endeavouring to make our ships efficient, and to prevent them from carrying out improvements. Then comes the question whether the Motion of the noble Lord will really cure the evil of which he complains. My deliberate opinion is, that it will not. The noble Lord says that if the form he prescribes were once adopted, there would no longer exist the power to indulge in all this expense. I do not believe that the adoption of that form would have the slightest effect whatever in preventing any such expenditure as the noble Lord has adverted to, if it were desirable that that expenditure should be made. Indeed, I should be sorry if the effect of the present Motion were to prevent any expenditure for the improvement of our ships. But my first objection to the Motion is, that it would only tend to delude the House. The noble Lord requires that on the commencement of the building of any ships we should give the names of the ships, the tonnage, and a great many other particulars, and the noble Lord says that thereby the House would know what at the end of each year would be accomplished. Now, I gave proof to the House, in my statement the other evening, that for ten years previously the plans of the Admiralty had never been carried out. And why? Not because there had not been a *bonâ fide* intention to carry them out, but because, on account of the exigencies of the public service, the labour had been diverted to other objects. The right hon. Baronet the Member for Halifax will correct me if I am wrong, but I refer to the year 1855 or 1856, as affording a remarkable instance of this fact. At that period, in consequence of the pressure of the Russian war, the labour of the dockyards, instead of being devoted to the construction and preparation of line-of-battle ships and frigates, was devoted to the preparation of smaller vessels adapted to the peculiar nature of that war. The current year affords another remarkable instance of the same kind. Supposing I had come down with a form such as the noble Lord has suggested, to give the House a notice of what was to be done during the year. Why, no such programme as I could have produced would have been carried out. And why? Because in the month of August, owing to what we discovered with respect to the navies of other Powers, we diverted the labour of the dockyards from all the objects to which, under this form, they would have been devoted, and gave the whole strength to ships of the line. My opinion is that the House should look, not to a form, but to the responsible Naval Minister of the Crown in all such matters. That would be a much better plan than tying down the hands of the Admiralty by such a form as that proposed. If there is to be a form of this kind, let it be a retrospective one. Let it state what has been done during the year, not what it is intended to do in the year to come. I hope, then, the noble Lord will not press the adoption of this particular form. I think I should not promote the public service by accepting it, but I shall be happy to concur with the noble Lord in concerting the best mode of carrying out the object which we hold in common. My object has been to do justice to a Department of the public service to which I think the noble Lord, though unintentionally, has not acted impartially or justly. I believe he will find that the charge of reckless extravagance cannot be sustained—that it is, in fact, utterly unfounded. I hope I have been so far successful as to show the House that reckless expenditure cannot be fairly urged against that Department; and if the noble Lord will only look to this paper, to which I shall be willing to give publicity, I think he will agree with me that the charge falls to the ground.

SIR CHARLES NAPIER said, he could not agree with the first Lord of the Admiralty that the speech of the noble Lord had done much to shake public confidence, on the contrary he thought it would establish public confidence. The right hon. Baronet suggested that the noble Lord, instead of moving the present Resolution should have made a Motion for the removal of Sir Baldwin Walker from the office of Surveyor of the Navy. He believed the noble Lord had no intention whatever of attacking Sir Baldwin Walker, but that officer must not be held responsible for what was done, for he had no power; he was not allowed to do what he pleased; the Admiralty decided what should be done. The Board of Admiralty was the source of the evil, and he (Sir C. Napier) thought that instead of the noble Lord moving for the dismissal of Sir Baldwin Walker, he ought to have moved for the appointment of a Select Committee to inquire into the construction of the Admiralty. How was it possible that the naval department could be efficiently conducted when upon every change of Ministry the First Lord of the Admiralty, and generally all the other Lords, were replaced by new men? He believed this was the cause of all the waste and extravagance that existed. It was impossible with new Lords constantly coming into office to have anything like harmony in the business of the department or economy in the expenditure, for every new First Lord came in with fresh crotchets and generally made changes turning everything topsy-turvy. Some doubt had been thrown upon the accuracy of the figures quoted by the noble Lord; but he (Sir C. Napier) found from papers in his possession that the cost of the *Queen* was £101,462 and his noble Friend had stated that the cost of the *Duke of Wellington* was £125,000. When it was remembered that the *Duke of Wellington* was a much larger ship than the *Queen*, he thought it must be evident that his noble Friend's calculations were pretty accurate. In his opinion, the greatest evils arose from the constant changes at the Admiralty. It very rarely happened that the same Lords were in office for more than two or three years, and their successors brought with them new subordinates, whose notions were widely different from those of the officers who had preceded them. He complained of the system of altering and lengthening ships which had been partially completed. Such a system led to wasteful expenditure, and had been strongly condemned by Lord Auckland, who held that when a ship was begun they ought to finish her and any improvement should be tried on the next new ship. He could mention the case of one ship whose magazines had been altered no less than nine times, and it was thus that the enormous expenditure complained of was incurred. He thought the noble Lord did not deserve the censure of the First Lord of the Admiralty, for he merely asked that before new estimates were proposed an account should be given by the First Lord of the outlay of the money previously voted. The right hon. Gentleman (Sir John Pakington) had given such an account, but it was the first account of the kind that had been given in that House, and might have been very considerably extended. If the right hon. Gentleman remained in office—he (Sir C. Napier) did not mean to say he hoped he would, nor would he say he hoped he wouldn't—he thought he might get on tolerably well, —indeed, as well as could possibly be expected for one who knew nothing whatever about ship-building or naval affairs in any way whatever. Unless, however, the present constitution of the Admiralty was entirely changed it would be impossible to avoid enormous and wasteful expenditure of the public money. He (Sir C. Napier) believed that a great improvement would be effected if the principal officers of the navy, the Surveyor and the Superintendents of the Victualling Department, of Stores, and of the Medical Department, were permanent officers, with full authority, but responsible for the efficiency of their respective departments. He thought his noble Friend deserved the thanks of the House for the manner in which he had brought this subject before them, and, whether his suggestions were adopted by the Admiralty or not, his statement could not fail to produce some good effects.

Mr. BERNAL OSBORNE said, he felt sure the House had listened with interest to the able statement of the noble Lord; but, whatever gratitude might be due to him, he thought the House would pause before expressing that gratitude to do justice to an absent man. It was all very well for the noble Lord to say that he attacked the system and not the men; but, having taken a period of eleven years, he contended that during that time there had been what he called a deficit of £5,000,000 in the expenditure of the Admiralty. Now, it so happened that during those eleven years, the only permanent officer of the Admiralty had been the Surveyor of the Navy, Sir Baldwin Walker, who must naturally think that this was an attack upon him. Sir Baldwin Walker had been created a Baronet and a K.C.B. for his eminent services, and he would, no doubt, read with considerable astonishment to-morrow morning, that he was charged with having created in that Department, over which he had presided, in his (Mr. Osborne's) opinion, with so much credit and ability to himself, a deficiency of £5,000,000. He (Mr. Osborne) thought all who had listened to the noble Lord, however they might have been gratified by the lucidity of his statement, must have been astonished at the lame and impotent conclusion of his Motion. After maintaining that the system was so bad, so profligate, so rotten, that there had been a deficit of £5,000,000, for what did he ask? For a tabular statement of the ships built every year! If the noble Lord believed in the allegations he had made, he was bound not to stop there, but to call for a Select Committee to inquire into the whole administration of the Admiralty. If the Admiralty was so corrupt, and the Surveyor of the Navy so unfit to be trusted in the discharge of his duties, he repeated that the noble Lord was bound not to stop there, but to move for a Select Committee, before whom an opportunity would be given of verifying the charges he had made, and to Sir Baldwin Walker of defending himself. He would not follow the noble and gallant Lord into his figures, but there was one matter as to which he would make a remark, as it showed that in one case, at any rate, his facts were liable to mislead. He spoke of a ship that was built on the same lines as the *Pearl*; but the noble and gallant Lord must know, though persons who were unacquainted with the subject, would not know, that it by no means followed that the ship was of the same size as the other, or of the same tonnage, because it was built on the same lines. The question was, was she of the same exact scantling? That was the only thing they could judge by. He (Mr. Osborne) merely rose in defence of Sir Baldwin Walker. The office of Surveyor of the Navy was a permanent one, and when the noble and gallant Admiral got up and said, "Let bygones be bygones," it might be very well to assume that there had been a deficit of £5,000,000; but the House of Commons would not be satisfied with a bare allegation like that. He (Mr. Osborne) said, in defence of Sir Baldwin Walker, and a former Board of Admiralty, the noble Lord was bound to prove his accusations. He (Mr. Osborne) having acted as Secretary to a Board of Admiralty, by whom it was asserted £5,000,000 had been unprofitably squandered, challenged the noble Lord to prove that allegation. It was totally impossible to answer off-hand a statement of figures made unexpectedly. He had not, for a moment, apprehended that such an indictment was to be preferred against Sir Baldwin Walker, or he would have been prepared to meet it. He suspected the noble Lord had made a mistake of something like £3,000,000; and that when the noble Lord presented himself before a Committee of that House, where *ad captandum* appeals would be inadmissible, and his figures would undergo a severe scrutiny, he would find that, instead of there being a deficiency of £5,000,000, his credit for accuracy would be materially impaired. He (Mr. Osborne) had said so much on behalf of an absent friend. As for what was said about the total alteration that took place in the management of the naval yards, and the mode of constructing ships, he begged to inform the noble and gallant Lord and the House that Sir Baldwin Walker was not the man to hold such a position as that described—he was not the man to be made a tool or a catspaw of, either by a First Lord or Secretary. He thought that, in justice to Sir Baldwin Walker, he ought to have been informed of these charges that were to be preferred against him, before they were brought forward, and then he would have had an opportunity of defending himself. There were, however, some points in which he himself felt inclined to agree with the noble and gallant Lord, namely, as to the old ships in ordinary, which amounted, in number, to about 500. He had always been of opinion, that it would be better to wipe them off the list altogether; they were a considerable expense, and were only a navy on paper, and deceived nobody. He thought that the suggestion made by an hon. Member the other night, was not a bad one—namely, to present some of these old two-deckers to our Australian colonies. They would serve to protect them, and it would be by far the cheapest way for us to deal with them in the end. As to the gallant Admiral (Sir Charles Napier), who had got on his old hobby for the reconstruction of the Admiralty, let him move for the Select Committee on the expenditure for the last eleven years, and he would see how the present system had worked.

MR. BENTINCK said, he shared in the opinion which he believed was entertained by the House, that the object of his noble and gallant Friend was anything but to make an attack on the Surveyor or upon any absent man. If he understood his noble Friend he did not mean to attack the man but the system, and in this attempt to attack a system which he (Mr. Bentinck) had always maintained was founded on a most erroneous principle, he had earned the thanks of the House. Moreover, he (Mr. Bentinck) had not heard one word from his noble Friend which was capable of being construed into an attack upon the Surveyor of the Navy in particular, nor would it have occurred to him that his noble Friend had done so if it had not been suggested by the First Lord of the Admiralty and the hon. Gentleman who had just addressed the House. Neither did he believe that his noble Friend meant to attack his right hon. Friend the First Lord, who, when he found himself in the position he now held, without a Channel fleet, and in the midst of circumstances of great difficulty, contrived to learn his lesson, and do his duty in a manner that reflected the greatest possible credit upon him for his ability in adapting himself to the situation, and acquiring a knowledge of a trade of which previously he could have known nothing. The hon. Member for Dovor (Mr. Osborne) said that the error he assumed in the noble Lord's figures was to the extent of £3,000,000. [MR. OSBORNE: No.] He had so understood him. But be it what it might he had not heard from the First Lord any refutation of the statement of figures made by his noble and gallant Friend. He was inclined to think, however, that his noble Friend, though he had done good service on this occasion, had not taken the best course which circumstances would suggest, and that the proposition he had made would not meet the difficulties of the case, supply the information required, or tend to the attainment of the object he had in view. It had been truly said that the House of Commons was prepared to vote any sum of money for the defence of the country, and he believed that any man who would grudge money, well expended, for the naval defence of the country, must be either a madman or a traitor. But because he would not put into the mouths of such men an argument for objecting to the Navy Estimates, he would gladly co-operate with any hon. Member who might originate such a system as would satisfy the House and the country that the money voted was faithfully and judiciously expended in the public service. He was prepared to contend—and he begged it to be understood that he was not attacking men, but a system—that under the present constitution of the Board of Admiralty efficiency and economy were utterly impossible; that so long as the present constitution of the Board of Admiralty existed so long would the House hear annual appeals like that which had been made to them to-night by his noble Friend, and the only result would be that they would have a continuance of the same want of economy and efficiency that had characterized their naval arrangements for so many years past. He had asked many of the most eminent owners of private yards in the country this question: "Supposing you were to carry on your yards upon the system on which Her Majesty's Dockyards are conducted, what would be the result?" And the invariable answer had been, "If we were to approach that system with the Bank of England at our back, we should be ruined in six months." From that opinion he had never yet heard any deviation, and he would undertake to say that if a Committee were appointed to inquire into this question the gentlemen to whom he referred would probably be examined before that Committee, and he pledged himself that if a similar question were put to them they would, word for word, give the same answer. He was glad to see the late First Lord (Sir Charles Wood) in his place opposite. He remembered that when that right hon. Gentleman was called upon, at a time of great emergency, to construct a powerful fleet his efforts were attended with the most successful results, and at the close of the Russian war the country possessed one of the finest, if not the very finest, fleet that ever floated on the ocean. But what was the course then adopted by the right hon. Gentleman? He did that which his predecessors in office who were civilians, had always done, and which all his successors, so long as they were civilians and Members of this House, actively employed in the struggles of political life would continue to do, he lost sight of the nautical interests of the country, in order to adapt the position of the navy and its expenditure to the convenience of the Chancellor of the Exchequer, and so reduced the most magnificent fleet which the country had ever possessed to so low a limit, that we were now in the very act of voting large sums of money to supply the deficiences created by the right hon. Gentleman. No doubt the right hon. Baronet could give plausible reasons for the course he took; but the fact was that as long as political arrangements were more considered than the interests of the navy the same thing must occur. It came to this, in fact, that the Board of Admiralty was made nothing but a political jobbing office, and one of the temptations that were held out to distinguished men to become members of a Cabinet. He contended that the navy ought to be placed upon the same footing as the army, and that if they were to reverse the case, and proposed to place a civilian at the head of the army, the outcry raised in this House would be loud. He undertook to say that they might find 500 civilians who were tolerably competent to become commanders in chief of the army at the shortest notice, for one civilian who possessed the slightest fitness for the duties of First Lord of the Admiralty. In private affairs they selected for the head of a department a man whose antecedents, education, and acquirements best fitted him to discharge the duties of the office. What was the case with the Board of Admiralty? They selected men to preside over it without any reference whatever to their antecedents, and without asking them if they knew a line-of-battle ship from a jollyboat, or were acquainted with the views and opinions of naval men. All they asked was, "Will this gentleman acquiesce in the arrangements that are necessary to compose the Cabinet?" and if he consented, they at once stuck him at the head of the Admiralty. But was that the way in which the most important arm of the country was to be dealt with? He repeated, if they must have such a system in operation anywhere, monstrous and absurd as it was, in the name of common sense do not let it be in the navy. Transpose it; he should infinitely prefer seeing it practised in the army rather than in the navy; and if any hon. Gentleman would propose that the system should be reversed for the future, and that a naval man should be placed at the head of the navy, and a civilian at the head of the army, he should be glad to second a Motion of the sort. It was said that naval men were too prejudiced, or entertained too strong professional notions, to be fitted for the chief control of that department; but that was a suggestion which he could hardly adopt, and he could not agree that it was better to select men who knew nothing at all of the subject with which they were called upon to deal. Then, again, it was sometimes said that it was necessary to have at the head of the Admiralty men of enlarged ideas and political influence, and that civilian First Lords were guided in circumstances of difficulty by the advice of the naval Lords. What was the result of that system? The civil First Lord could do nothing of himself, for the simple reason that he knew nothing, except as he was primed; that the naval Lords at the Board of Admiralty, who were said to be unfitted for the post of First Lord, actually pulled the strings, did the duty of the First Lord, and instructed him what he was to do and say when he came down to this House, whilst the responsibility for all that was done rested not upon their shoulders, but upon those of the First Lord himself. It was his strong conviction, then, that so long as the present system continued it would be perfectly impossible that either efficiency or economy could be secured in the Department of the Admiralty. He believed that the maintenance of an efficient navy involved the very existence of the country, and no man was more willing than he was to vote all that might be required to secure that object; but seeing that the demands on the public purse must henceforth be very large, and feeling the necessity which existed for scrutinising the expenditure, he was prepared to support any investigation or inquiry which would tend to prevent the possibility of a mal-expenditure of one shilling for the service of the navy.

SIR FRANCIS BARING said, that no blame could be attributed to the noble and gallant Lord for having brought the subject forward, but he thought that his Motion was very little calculated to remedy the evils which he thought existed, because the Return asked for would be hardly worth the paper on which it was written. Why did not the noble Lord go to the real way of doing business and move for a Committee, in which the noble Lord's figures might be fairly tested? Nobody could follow the noble Lord's figures as they were delivered; but why not have a Committee and see if they were correct? Probably it would be found there that the noble Lord was a better sailor than calculator, and that he had omitted a great many items which ought to be taken into account. His (Sir Francis Baring's) impression, however, was, that an inquiry into our increased naval expenditure was advisable; and he was sorry that the House allowed such statements as had just been made to pass without an inquiry. An hon. Friend had defended Sir Baldwin Walker. Now-a-days nobody was attacked. If any jobbery or wasteful expenditure were pointed out, it was always "the system," not any individual, that was attacked. But he knew Sir Baldwin Walker well enough to feel that the speech of the noble Lord would give him great pain—for everybody knew that the actual responsibility was in his hands—and that he would look anxiously for an opportunity of meeting statements which, though no personal attack was made, must in a great measure affect him. He (Sir Francis Baring) would again press the House not to be content with these vague accusations, but to go to work like men of business, and examine into the general expenditure of the navy. He was quite sure that good would come from such an investigation; the Admiralty, like other folk, were liable to mistakes; and these revisions of the establishment were from time to time extremely valuable.

SIR GEORGE PECHELL thought the Motion of the noble Lord would be attended with the good effect of bringing about an inquiry. He hoped his noble and gallant Friend would push his inquiries till a conclusion had been arrived at. As to Sir Baldwin Walker, he was sure his noble and gallant Friend meant no attack on him. There never was a more able, a more amiable, and a more excellent public servant than that gallant officer.

SIR JAMES ELPHINSTONE said, that if the noble Lord had moved for a Committee he would have supported him, for he thought that inquiry into the constitution of the Board of Admiralty was much needed. That a civilian should be First Lord of the Admiralty seemed to him as great an anomaly as if an Admiral were put into the Court of Common Pleas. As to the reconstruction of the navy, he did not think the Return asked for by the noble Lord would help to effect that object. He should recommend an examination of the American mode of dealing with their navy, for he thought there many points which might be advantageously adopted by us. What he blamed the Admiralty for was, that at the time when steam was first introduced they had not caused the whole subject of naval architecture to be thoroughly investigated, and had not pointed out to the country that the then existing navy would soon be utterly useless. He was convinced that, had a proper investigation taken place at that time, large sums of money would have been saved to the country. Even now we had not arrived at anything like perfection. Perhaps our 90-gun ships were as near the mark as it was possible to be; but the question yet to be determined was, whether they could maintain their stations during the winter off a given point. There were many similar questions which ought to be investigated by a Committee. The noble Lord opposite in bringing forward the subject that evening, had, he believed, no intention of making any personal allusions; but he was nevertheless of opinion, from the turn which the debate had taken, that it was absolutely necessary the inquiry should be pursued further, and that a Committee should with that view be appointed. With respect to our frigates, of which mention had been made in the course of the discussion, he could only say that he looked upon them as being unequal to the expectations formed of them; the same class of American vessels he understood to excel them in point of stability. In support of that opinion, he might observe that he had a few days before seen a letter which had been received from Greytown, in which the writer stated that having little or nothing to do he and his friends amused themselves in looking at the *Diadem* rolling. Now, if such a vessel as the *Diadem*, which was one of the handsomest ships in the navy, could be spoken of in that way, was it not fair, he would ask, to suppose that there were others still more open to objection upon the score of being ill fitted to encounter bad weather? As to the gun-boats which the right hon. Baronet at the head of the Admiralty seemed to think the most efficient class of ships in the navy—[Sir JOHN PAKINGTON: I said they were very valuable vessels]—he must pronounce them the most miserable specimens of naval architecture which were ever constructed for sea-going purposes, though, no doubt, they had answered the purpose for which they were constructed. The justice of that opinion it would be easy to ascertain, if a return, setting forth the length of time occupied by some of those gun-boats in their passage to China, were laid upon the table of the House. In one instance the time so occupied was, he believed, eleven months, while none of them, he was informed, had reached India in less than six months. He understood, also, that one of their number was thirteen days off the Cape of Good Hope, running before a gale of wind, no victuals during that period having been cooked on board, so that her crew were obliged to eat raw meat. He heard that some of those vessels were to be despatched to Vancouver's Island, but how such creatures were to get round Cape Horn, he, for one, could not make out. All he could say was, that he should be very sorry to be on board one of them if they were to make the voyage in the winter time, for he deemed them to be thoroughly inefficient as foreign-going craft. In stating his opinion thus candidly he did not seek to cast blame upon the shoulders of any person or party in particular, but he could not refrain from expressing his conviction that a great deal of the money which had been laid out upon our navy had been misapplied. As a single illustration of such misapplication he might mention the case of the *Sanspareil*, which had come under his own observation. She was built on the lines of one of the finest line-of-battle ships we had ever succeeded in taking from the French, but having been so built she had been changed into a screw. Long 32-pounders had been placed upon her main deck; 8-inch guns on her lower deck, a 96 cwt. gun on her forecastle; an engine of 400 tons between her main and mizen masts; the result of the alteration having been that she looked more like a sand-barge than a man-of-war, and on her way out to Lisbon rolled to such a pitch, that she was only righted by being struck by the sea. At one time she was over forty-seven degrees. It was into transactions of that description that inquiry ought to be instituted. Such an investigation might lead to some result, but inasmuch as that was not the course which it was proposed to take, and as he did not think the Motion of the noble Lord was calculated to be of any practical operation he could not support it.

MR. MILNER GIBSON rose for the purpose of observing that if they were to have a Committee upon the naval expenditure of the country—which he thought was generally assented to by the House—it appeared to him that whether the Estimates should be presented to the House in this particular form would be a very fair subject for the Committee to inquire into and report upon. That was a matter which should come from the Committee rather than that the House should lay down any particular form. He would, therefore, respectfully suggest to his noble Friend not to press his Motion to a division, but rather to substitute for it a Resolution to the effect that a Committee should be appointed to examine into our naval expenditure, as proposed by the right hon. Baronet the Member for Portsmouth (Sir Francis Baring). He must, however, observe that he had felt rather taken at the first blush by the proposal for a Return, for it appeared to him but reasonable to suppose that if those connected with our naval departments were required to submit beforehand a statement of the amount of expenditure which they contemplated making for any particular purpose, they would be much more likely to deliberate upon the undertaking duly, than when they had merely to receive the money and lay it out without question. As in the case of erecting barracks, so in the case of shipbuilding—the necessity of furnishing such a statement might operate as a practical check on unnecessary expenditure. For his own part, he never heard that Mr. Cunard, or any of our other great steamship proprietors were continually making alterations in their vessels, such as was constantly being done by the Board of Admiralty. He believed, however, the expediency of framing such a formal naval Estimate as was proposed would be best decided upon by a Committee of the House of Commons on naval expenditure. Having stated that to be his opinion, he might be allowed to allude to the observations which had fallen from the First Lord of the Admiralty in reference to the comparison which he had drawn upon a former occasion between the English and French navies. Now, he had read with great care the speech in which that comparison was made; and having done so, he could not help arriving at the conclusion that the right hon. Gentleman had underrated the strength of our own navy while he had exaggerated the efficiency of that of France. The right hon. Gentleman seemed to him, indeed, to have instituted a comparison rather between a particular class of ships in the two countries than between the aggregate of the steam naval force of both, and he regretted that a more complete account of our relative positions in that respect had not been laid before Parliament. He should next advert for a moment to those 500 sailing ships, of which it seemed no use whatever was to be made, and which were permitted to block up the river Medway and the upper part of Portsmouth harbour, to the great annoyance of those who were connected with the merchant shipping of the country, and to the obstruction of our navigation. Of course, if it were necessary for the public service that those vessels should be thus maintained, the inconvenience must be borne; but as he understood all idea of converting them to any useful purpose had been abandoned, he should like to know from the Secretary for the Admiralty whether any plan had been formed for disposing of them? Some time ago Baron Dupin made a report upon naval affairs to the French Chambers, in which he alluded to a "formidable armament" which England was creating under the "inoffensive name of steam coast guardships," and represented it as an absolute necessity that France should complete an armament of the same kind—the armament referred to, which had excited such apprehension, being nothing else than these very block-ships to which he (Mr. M. Gibson) had alluded. He believed that the vessels which had been built by the French in imitation of those block-ships had been included in the Estimate given by the First Lord of the Admiralty of the steam navy of France. ["No, no!"] He believed that it was so; but he only mentioned the circumstance to show how apt we were to exaggerate the forces of other nations. He suggested that the noble Lord the Member for Sandwich should withdraw his Motion, and move the appointment of a Committee of Inquiry instead.

LORD JOHN HAY said, he would not have trespassed upon the House but for the statements made by the hon. Member for Portsmouth (Sir James Elphinstone). That hon. Member had made an attack on the gun-boats; now he knew something about them, and he begged to observe that they were a class of vessels that had rendered the greatest service during the Russian war. They were not built to go long distances, and when the hon. Member talked of the time they had taken to go to China, he thought it was highly creditable to them that so many had gone to the other side of the world without an accident. If any of the crews did not cook on their voyage out, it must certainly have been from their preference for raw meat, because he could testify that the gun-boats had every facility for cooking, the same as other ships. He spoke with the more confidence because a considerable number had been placed under his direction to test their merits, and though he did not mean to say that they could contend with an enemy on the open sea, yet they would do good service in protecting our commerce and putting down piracy in various parts of the world. With regard to the Motion before the House, he thought it would be better to have a Committee of Inquiry; but he believed that the noble Lord had greatly over-stated the case. The hon. Member for Portsmouth had recommended them to adopt the system of the United States, where the plans of vessels were submitted to a Committee of Congress; but the results of that system were as bad as possible. They had no doubt heard a great deal about the magnificent American navy, and the vessels of that country went, he might say, "swaggering" over the world and creating a great deal of fuss; but a close inspection of those vessels did not bear out what was said of them. He supposed there was not a Member in the House that had not heard of the extraordinary powers of the *Merrimac.* Well, he had gone on board that vessel, and he found, in the first place, that she could not carry all her guns. Next, though she was very long in the bow, which was a shape much in fashion at present, and all the advantages which American vessels were supposed to possess, she could only go seven miles and a half under steam in the most favourable circumstances. Then she certainly carried very heavy guns; but he observed no signs of their having ever been cast loose. Then she could only carry coal for a few days—every hole and corner was stuffed with coal bags in the case of a long voyage. So much for the *Merrimac.* There was another vessel much talked of, the *Wabash;* but it was admitted now that she was an extremely slow sailer. Then there was the *Niagara,* but he thought the House would do well to pause before they adopted her for a model. She could not steam any faster than our own vessels, and though she was of 5,000 tons burden she only carried twelve guns. These were not results to tempt this country to imitate the system of the United States. The hon. Member for Portsmouth had spoken of the *Diadem* rolling off Greytown; but it must be remembered that there were heavier rollers in that neighbourhood than in almost any part of the world; and, therefore, it was no proof, because a vessel rolled there, that she would do so in other places. He thought that the noble Lord had rather exaggerated the estimated expense of building, and he joined in the suggestion that it would be better to appoint a Committee than to agree to the Resolution before the House.

Sir JAMES ELPHINSTONE would say one word in explanation. The reason why the crew of the gun-boat to which he alluded ate raw meat was, that they could not cook because they were obliged for twelve days to scud before a gale of wind.

Mr. LINDSAY said, that instead of the Motion of his noble Friend the Member for Sandwich doing injury to the navy, he who exposed what he considered to be its abuses or shortcomings rendered a service both to the public and to the navy. His noble Friend had investigated the subject with great labour and great industry through a period of eleven years, and he found, to his great regret, that there was a deficiency of no less than £5,000,000. In point of fact the right hon. Baronet the First Lord had admitted some days ago the substance of what the noble Lord had now stated. The right hon. Baronet was aware of the figures which his noble Friend had stated, and he had armed himself on the present occasion with statements from the Surveyor of the Navy in explanation. That statement in effect confirmed what his noble Friend had said as to the large expenditure incurred. The hon. Member for Dovor had stated that his noble Friend had in his comparison of the *Pearl* not made allowance for the difference of the scantling. But scantling was determined by the tonnage of the ship, and his noble Friend had shown that a vessel of the same tonnage and scantling as the *Pearl* built in a private yard cost considerably less than a similar vessel built in a Government yard. He suggested that his noble Friend should withdraw his Motion, and substitute one for the appointment of a Committee to inquire—not into the administration of the navy, because that was far too comprehensive a subject for one Committee to deal with—but into the expenditure incurred in the construction of Her Majesty's ships. He much doubted the policy of these conversions and lengthenings and rebuildings of vessels which the right hon. Baronet had stated were taking place. He would suggest that it was worthy of inquiry whether it would not be more advantageous to dispose of those ships for what they would fetch and build new ones in their stead. He believed that £7,000,000 properly applied would go as far as £10,000,000 now went in building our ships of war and in our naval expenditure generally. There was a strong opinion abroad that there was a very unnecessary expenditure in our public Departments, especially in the navy, and that was another reason why he thought that some such inquiry as had been suggested was necessary. He hoped, therefore, that the right hon. Baronet would not object to the appointment of a Select Committee.

Sir CHARLES WOOD: I am as willing, as others have been, to bear testimony to the ability as well as the calm and moderate tone with which the noble Lord has brought forward his Motion. I quite acquit him and other hon. Gentlemen who have spoken of any intention of intending to make an attack on the right hon. Gentleman (Sir John Pakington) or myself, or any of the other gentlemen who were my predecessors in the office of First Lord of the Admiralty during the last eleven years. The noble Lord says, that only the system is assailed; but that does not prevent some of the statements that have been made from being a most painful attack on Sir Baldwin Walker, one of the most valuable and efficient officers ever employed by the Board of Admiralty. I am rejoiced to find that this attack has elicited such a general expression of opinion of his services which is as just as it is called for. It is perfectly true that the Admiralty is responsible for the orders it gives as to the building and alteration of ships of war. But the Surveyor of the Navy is the responsible adviser of the Admiralty on the form and construction of those ships, and many of them have been loudly condemned by the noble Lord; and the inference is that if the Surveyor of the Navy has advised so imperfectly, he is unworthy of the position he holds. Now, the character and ability of Sir Baldwin Walker are known, not only to those under whom he has served, but even to those unconnected with the Admiralty; and I will quote to the House a very short testimony to the merits of that officer from one very competent to form an opinion. It is a portion of a paper read before the Society of Arts, and I cannot better express my sense of the services of Sir Baldwin Walker than in the words of the passage which states that "the ships of Sir Baldwin Walker are the embodiment of all the soundest principles and improvements essential to vessels of war." The noble Lord says it is an error to alter the construction of any ship after it has been laid down; other hon. Gentlemen have made the same assertion. What is it they would do? It is well known that the science of naval construction advances rapidly, and calls into existence many changes and improvements. Even while a ship is in course of construction improvements are discovered which it is necessary to adopt—such, for instance, as finer lines, or increased sharpness of the bow; or, a vessel laid down as a sailing ship is to be converted into a steamer. A more extravagant mode of employing the public money, or a system more fatal to the efficiency of the navy, I cannot well imagine, than to bind yourselves to complete a ship, although she has been laid down on bad lines, but might be easily improved at a small expense. I am sorry the right hon. Gentleman opposite (Sir John Pakington) did not bear testimony more strongly to the merits of Sir Baldwin Walker; he said he was not bound to be the champion of the Surveyor of the Navy, or his predecessors. As to his predecessors, they can take care of themselves; but I must say, that a public servant in the position of the Surveyor of the Navy, when he is attacked in this House, has a right to be defended from those attacks by his official chief, who has a seat in this House. The head of the Department is bound to defend those under him from such imputations. As to the amounts and sums of money cited by the noble lord (Lord C. Paget), it is quite impossible for us to follow him through such a mass of figures; even the First Lord of the Admiralty, with the advantage of having received a previous intimation of the sort of statement the noble Lord was about to make, said he was utterly unable to deal with them. Many suggestions might be made that would tend to show the noble Lord's figures to be inaccurate. The right hon. Gentleman said, and said truly, that in matters of this kind any averages involve a great possibility of error. The noble Lord estimates the cost of wear and tear of our navy at 6 per cent on its cost, which in eleven years would amount to a sum total of £6,000,000. Suppose the rate to be 10 per cent instead of 6; or, as one hon. Gentleman estimated it, 15 per cent. He would then have to allow £10,000,000 or £15,000,000 on this account; and more than the whole sum which he says has been wasted would be accounted for by this simple change in the rate of wear and tear. In dealing with figures of this kind in such a general way it is impossible to know whether they are trustworthy or not; yet on their perfect accuracy rests the whole assertion that there has been wasteful expenditure in the construction of the navy. I am not called on now to go into the question of the expense of building our vessels of war; it is quite enough at present to show there is a possibility of inaccuracy in the figures assumed, sufficient altogether to impeach the authority on which the noble Lord makes his charge of extravagant expenditure. With regard to the Motion itself, there appears to be a general opinion that no good end would be obtained by affirming it. If the Return the noble Lord wishes to see were made out and laid before the House, it would only be of the nature of a programme of what ships are to be built in the year; and that scheme would probably not be carried out. When the First Lord of the Admiralty has been a little longer in office he will find out what all his predecessors have discovered, that the amount of work to be done in the course of a year is always over-estimated. In the course of twenty years I do not believe any programme laid down by the Department at the beginning of a year has ever been adhered to. If hon. Members suppose that such a paper would give them any idea of what was likely to be done in any year they are entirely mistaken. The hon. Gentleman the Member for West Norfolk (Mr. Bentinck) has stated that in the year 1846 I improperly reduced the navy in compliance with the request of the Chancellor of the Exchequer, and that in consequence of that proceeding we now have to incur the great expense of reconstructing the navy; and a few nights ago the right hon. Baronet the First Lord of the Admiralty made observations which seriously impugned the character of the Board over which I had the honour to preside, as having neglected the building of certain classes of ships, and thereby subjected this country to the humiliation of being inferior to her neighbours in those classes of vessels, and exposed our coasts to great danger. It is true that at the same time the right hon. Baronet disclaimed any intention of making an attack upon his predecessors. Such, however, is not the construction which any one will put on the language he employed. That statement was one for which, from what had previously fallen from the right hon. Baronet, I was so little prepared that I had with me no papers which would enable me to meet it; and I have been looking forward with some anxiety to our going into Committee upon the Navy Estimates, in order that I might have an opportunity of vindicating the Board with which I was connected from so serious and so grave an imputation. I entertain no doubt whatever of being able to satisfy the House that we did not neglect our duty, but that we were alive to the necessity of increasing the number of ships of a large class, and had provided means of effecting such additions to our naval forces. It would, however, be impossible for me to enter upon such a discussion at this hour (ten minutes before eleven o'clock), and in the course of a debate raised upon a different subject. I shall, therefore, not refer further to the statements of the hon. Member for West Norfolk and the right hon. Baronet than to say that they are not justified by the facts, and that I hope to be able, when the proper time comes, to satisfy the House that the coasts of this country were not, when I left the Admiralty, in any danger from a deficiency of ships of the larger class, quite independently of that number of small vessels to which the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) alluded, in which our superiority is manifest, undoubted, and unquestioned, and which, in connection with the ships of the larger class, constitute a means of defence as large or larger than any that this country has for many years possessed.

Mr. CORRY said, he regretted to learn from the statement of the right hon. Gentleman who had just sat down that his right hon. Friend the First Lord of the Admiralty had been understood not to have defended Sir Baldwin Walker against the attacks of the noble Lord the Member for Sandwich in the speech with which he introduced this Motion. He (Mr. Corry), on the contrary, had understood his right hon. Friend to have made such a defence, and to have denied that any extravagance had taken place under the management of Sir Baldwin Walker. For himself, for his right hon. Friend, and for every Member of the Board of Admiralty he could say that they entertained the highest opinion of Sir Baldwin Walker who was a most able and efficient officer, and a man of the highest integrity. The right hon. Member for Ashton (Mr. M. Gibson) had stated that his right hon. Friend the First Lord of the Admiralty had under-estimated the English steam navy, and had over-estimated the steam navy of France; but he (Mr. Corry) could undertake to state from authentic documents, to which the First Lord of the Admiralty had adverted, and which had been produced before the Committee which had inquired into that subject, that the statement of his right hon. Friend was completely and literally correct. An hon. Member had asked what was the use of our old sailing ships, and he had to observe in reply that many of those ships could be converted into efficient steam vessels, and those which could not be so converted would be wanted to serve for training ships, hulks, harbour ships, and for a variety of other purposes. With reference to the statement that no less a sum than £5,000,000 could not be accounted for, he did not hesitate to say that there was not the slightest foundation for any such a charge. If the subject was fully entered into, it would be shown to the satisfaction of every reasonable man that every farthing of the money voted for the navy could be accounted for. In proof of this he quoted a return showing the sums which had been expended during the six years from 1852 to 1857, both inclusive. The return did not go far enough back to include the whole of the eleven years referred by the noble Lord the Member for Sandwich; but an account could easily be prepared for the whole period. The whole amount expended during the six years on materials in the dockyards and in the purchase of timber, steam machinery, and stores of all sorts, was, omitting fractions, £20,000,000. Of that sum £3,130,000 was spent upon building and converting ships; £2,441,000 on the purchase of contract-built ships; £3,423,000 on the purchase of steam-engines; £2,867,000 on coals; the repairs of ships and bringing them forward for the steam reserve, of which the noble Lord took not the slightest notice, cost £668,000; maintaining the ordinary harbour ships and hulks, £447,000; establishments, namely, salaries of officers, &c., £624,000; fitting ships for sea, including wear and tear, £4,616,000. These items accounted for the whole sum of £20,000,000, with the exception of £2,218,000, which he suspected his noble Friend had entirely overlooked, and which was expended in the general service of the yards, and was accounted for in what was technically called No. 88 return. That was for only six years, and the expenditure on that account for the whole eleven years, which the noble Lord had included in his statement would, along with the expenditure on the steam reserve, account for the whole of the £5,000,000, which the noble Lord said he could not find. He therefore denied that any portion of the expenditure remained unaccounted for. Instead of 6 per cent., as the noble Lord had calculated, the wear and tear of ships, including machinery, hull, and rigging was 8½ per cent. A 90-gun ship cost for wear and tear about £12,000 a year; a 50-gun frigate, £10,000 a year; a 30-gun ship, £6,800 a year; and a corvette, £4,600. The noble Lord had stated, that ships cost much less to build in a merchant's yard than in Her Majesty's dockyards. That was, to some extent, true, but then the work in the dockyards was very much better done, and there was, at least, the money's worth in greater strength and durability. The cost per ton of a sloop of war built in the dockyards was £25 13*s*., while the cost of a corvette built in a private yard on the Thames some years ago was £23 10*s*., and at this moment there were several corvettes being built in private yards for foreign Governments at £25. The noble Lord maintained that the Admiralty could not build ships, and in the course of last year he sent in a design for a frigate which was to do everything that the Admiralty ships, according to him, could not do. This design was referred to the Surveyor of the Navy, and he (Mr. Corry) would read an extract from his report respecting it:—

> "From the above estimate, it appears that the displacement is too small by 615 tons. Hence the ship would be immersed two feet beyond the draught of water given, and the greatest transverse section would be increased from 645 square feet to 729; and that when all the guns, as was intended, were fought on one side, the inclination of the ship would leave only seven feet three inches for the height of the mid-ship port in smooth water, and that to carry, as proposed, 1,000 tons of coals, it would be necessary to stow 600 tons on the lower deck."

So much easier it was to find fault than to suggest any real improvement. If hon. Gentlemen had the duty of weighing arguments for and against adopting particular courses, between which the Admiralty had frequently to choose, they would be ready to make more allowance for mistakes even if they sometimes happened. The hon. Gentleman concluded by expressing a hope that the noble Lord would not press his Motion.

Lord CLARENCE PAGET said, that the estimate was drawn by a gentleman who had built a corvette for the Portuguese Government, which had beat all our ships of the same guns and with the same machinery.

Lord JOHN RUSSELL: I cannot but think that this question is not in a satisfactory position. There are two matters before the House—the Motion made by my noble Friend, and his statement with regard to the Motion. I do not think it would be satisfactory to the House, in the imperfect state of information in which it must always be about shipbuilding, to prescribe a particular form in which ships should be built or altered. On the other hand, I do not think that it can be satisfactory to the House that the whole statement of my noble Friend, which he has evidently studied with great care, and which he makes on his own responsibility, should be entirely set aside. His statement, and that of the gallant Admiral, leave an impression on my mind that there ought to be some further inquiry. In 1818, 1828, 1838, 1848, we had Committees of Inquiry on naval and military expenditure; so that the course is not unusual, and these statements do call for some answer by way of inquiry. It is not fair to say that statements and motions of this kind are attacks upon Sir Baldwin Walker. I have the greatest respect for that officer, and I am aware that he deserves the confidence which the Admiralty repose in him; but I should like to know whether he has unlimited discretion in ordering what vessels are to be built and how they are to be built, or whether the Admiralty ever interfere with him? When money has been voted by Parliament for a ship of 400 tons, is it in his power to increase it to 700 tons? If this House had voted a certain sum for the Foreign Office, it would be rather astonished to be told that the Commissioner of Works did not think it enough, and had ordered twice as much to be spent. If the increase is caused by the continual advance of scientific improvements, that may be some answer; but it is not satisfactory to the House that the Estimates should go on increasing as they have of late years, and that we should have no means of knowing whether the money has been properly expended. In saying so I do not wish to impute blame to any person. I have no doubt everything has been done for the benefit of the public service; but we ought to know whether due economy has been observed. My noble Friend put the wear and tear of vessels at 6 per cent, the right hon. Member for Halifax says it may be 10 per cent, and the Secretary for the Admiralty tells us it is $8\frac{1}{2}$ per cent, with the machinery. But then, perhaps, the machinery requires 15 or 20 per cent for repairs; and therefore that is not an answer to the statement of my noble Friend. If an inquiry should be made I do not mean that it should take place in any inconvenient shape. I have no doubt the First Lord of the Admiralty and my noble Friend could arrange the terms of it; but some inquiry appears to me to be necessary. I should be unwilling to vote for the Motion as it stands; but certainly I would rather do that than express myself contented to pass by all the statements which have been made by competent persons, who are themselves distinguished in the naval service, or to allow the House to go on spending enormous sums of money without asking whether it is properly expended or not. I still hope that the Government will agree, instead of forcing us to a division on the present occasion, to accede to an inquiry of some kind, which is so far from being unexampled, that it is without precedent that we should go on for more than ten years without an investigation into the administration of naval affairs.

Lord John Russell

THE CHANCELLOR OF THE EXCHEQUER: The Government, as a general rule, have no objection to inquiry into any branch of public expenditure; but if a proposition of that kind is made, let it be so fairly, let it be brought forward with due notice, let us have time to consider so grave a proposal, and let us not be hurried into a Resolution to inquire into the expenditure of a great Department without being convinced that there are valid grounds for taking such a step. It is not our duty, nor would it be advantageous to the public interests, to accede to so important a proposition when made in an incidental and casual manner. But the Government have been inquiring. We have had three inquiries of a very laborious and minute character with respect to the expenditure of the navy, and my right hon. Friend the First Lord has offered to place the results of those investigations before the House. It would be better for the House to be in possession of the facts and statements which we are prepared to submit before they come to a resolution that more information is necessary. There has been an inquiry into the dockyards; there has been an inquiry into the expenditure upon steam machinery; and there has been a confidential inquiry into the general expenditure of the navy. All those inquiries have been conducted by men of the greatest ability, whose devotion of time and intelligence has been eminently praiseworthy. The First Lord of the Admiralty has voluntarily offered to submit the results to the House; but before they have been so submitted, before the noble Lord had seen them, before he can judge whether there are any points on which additional information is desirable, before he has satisfied himself whether further investigation is necessary, he is surprised that the Government, without any notice whatever, should not at once agree to the appointment of another Committee of Inquiry into the general condition of the navy and the expenditure of that Department. I must say that the noble Lord is somewhat unreasonable. Let him avail himself, in the first place, of the offer which my right hon. Friend has made. It may be that he and the House will then find themselves in a position to form, from the most ample materials, an opinion upon the subject now under consideration. That opinion may be favourable or unfavourable, to the administration of the navy, but when there are materials in existence which the House does not possess, but which the

House will soon possess, surely it would not be premature for the Government on the present occasion to accede to the institution of a fresh inquiry into the general condition of the navy. I do not know what information the noble Lord may have received respecting the relations between Sir Baldwin Walker and the Board of Admiralty. I can only inform him that he is labouring under a complete misconception if he supposes that Sir Baldwin Walker is interfered with in any maner in the execution of his duty. Sir Baldwin Walker has the entire confidence of the Government, and there has been no interference whatever with his conduct of affairs, beyond being subject to that inquiry from us which was natural when so vast an expenditure was incurred, and when so great a responsibility attached to the Executive Government. I repeat that when the House has been put in possession of the results of the three inquiries which have already taken place it will then, in my opinion, be more competent than at present to decide whether further investigation is necessary or desirable.

MR. T. G. BARING said, he would not venture to enter upon the general question, raised by the noble Lord (Lord John Russell) but would merely make a few observations on the remarks which had fallen from the noble Lord the Member for Sandwich. The House would recollect that the noble Lord had said that, after close inquiry, he could not account for the sum of £5,000,000 sterling in the accounts of our expenditure upon shipbuilding. He thought he (Mr. Baring) could satisfactorily account for at least a part of that sum amounting to £2,000,000. The noble Lord compared the expenditure upon shipbuilding, repairing and converting, with the receipts in Votes, numbers 8, 9, and 10. That comparison gave £14,000,000 for expenditure, and £17,000,000 for receipts. That made a difference of £3,000,000. Then the noble Lord added £2,000,000 for excesses under those Votes during the last eleven years. He (Mr. Baring) had taken the pains to examine the accounts, in order to investigate how far the noble Lord was justified in taking that excess into account. That excess did amount to £2,000,000, but when he turned to the expenditure of this excess, he found that it consisted, for the most part, of outlays for steam machinery, which, the House would recollect, had been expressly excluded by the noble Lord from his calculations; and of this £2,000,000, therefore, as far as he (Mr. Baring) could judge, the noble Lord should have taken but £500,000, at the outside, as expended upon shipbuilding. But, further, the noble Lord, while he calculated the excesses, had omitted to calculate the surpluses. The exact sum voted was not always expended. Some years there was an excess, and others, a surplus, and on these Votes there were surpluses to the amount of £780,000. The noble Lord had not only calculated £2,000,000 instead of £500,000, but he had omitted to place to the credit of the shipbuilding fund this surplus, amounting to £780,000. There was, therefore, in the calculations of the noble Lord an error amounting to about £2,200,000. He did not say that the remaining sum of £2,800,000 was not a sum that ought to be inquired into. He thought the House was indebted to an officer of the distinction of the noble Lord in bringing forward this subject; but as this omission occurred in one of the noble Lord's calculations, perhaps some others might not be so conclusive as the noble Lord seemed to think. Connected as he (Mr. Baring) had been with the late administration of the Admiralty, he looked forward to the result of this inquiry with the greatest confidence, knowing that the shipbuilding department of the service had been presided over by an officer than whom no one was more capable, or more deserving of the confidence of the House and the country.

MR. JOSEPH LOCKE said, he believed that if the debates in the House were compared with the Notice on the Paper, there would be found to be very little connection between the two. They had heard a great deal respecting the nature and the number of their ships, but all that had nothing to do with the qnestion. This was a Motion for an inquiry into the mode of conducting business by the Admiralty; and the discussion about Sir Baldwin Walker had for two hours been treated as a personal question, although no one had attempted to take exception to the capacity, integrity, or honour of Sir Baldwin Walker; on the contrary, every one had admitted his ability and energy. The hon. Member for Dovor (Mr. Osborne) had gallantly proposed a Committee of Inquiry, and the House was met with the statement that, as inquiries of a confidential nature were being made by the Admiralty, they ought to wait until the result of those inquiries was before them, and then the House, if they thought proper, might institute further inquiry. He did not think that was the right way in which to treat the noble Lord. His was a substantive Motion. It was not pretended that it was impossible to furnish an estimate of the cost of each ship, by which the House might see how far the expenditure tallied with the Estimate. Netley Hospital was a case in point, because if there had not been an Estimate of the cost at £154,000, the House would never have known that it would cost £260,000. In all public works there ought to be an estimate laid before Parliament. Every mercantile establishment in the country which was engaged in the manufacture of all descriptions of machinery, knew the actual cost of each particular machine, and there was no reason why the Admiralty should not be prepared to give the same information. He had often been ashamed of the manner in which the House had voted millions of money without knowledge of what they were voting, or how it was to be expended; and, if there were one department more than another which required supervision it was the navy, because in that department there were facilities for making changes, such as they had heard to-night, of an extraordinary, complicated, and expensive character. He hoped that a Committee would before long be granted; but, meanwhile, he would accept this as an instalment. He should vote for the Committee when proposed, and he should now certainly vote for the Motion.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 117; Noes 97: Majority 20.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. W. WILLIAMS said, he trusted the right hon. First Lord of the Admiralty would not compel him to bring forward, at that late hour, the Motion of which he had given notice, that the Navy Estimates be referred to a Select Committee. He would move the adjournment of the House.

Motion made and Question proposed, "That the House do now adjourn."

Sir JOHN PAKINGTON said, he hoped the hon. Gentleman would not press his Motion; but having voted the men and wages, he would now consent that the House should go into Committee to vote the Victuals.

Mr. W. WILLIAMS consented to withdraw his Motion.

Motion, by leave, *withdrawn*.

Mr. GILPIN also consented to postpone to another Supply night the Motion of which he had given notice, relative to the Destruction of the 26th Native Infantry.

Motion *agreed to*.

SUPPLY—NAVY ESTIMATES.

Supply *considered* in Committee.

Mr. FitzRoy in the Chair.

(In the Committee.)

£995,647, Victuals.

Mr. CARDWELL said, that as this Vote was one of those referred to in the Report of the Royal Commissioners on Manning the Navy, it might be desirable if the right hon. Baronet the First Lord of the Admiralty would state when it would be convenient for him to state the views of the Government generally on the recommendations contained in that Report.

Sir JOHN PAKINGTON replied, that the Report of that Commission consisted of two separate parts. The Board of Admiralty had taken into consideration all the recommendations relating to improvements in the condition of the sailor which were comprised in the first part of the Report. He was happy to say that the Board of Admiralty approved of and had adopted every one of those recommendations, which they had considered *seriatim;* and he believed they would have the effect of improving the condition of the sailor, and facilitating the manning of the navy. It was the wish of the Admiralty, if they received the sanction of the Treasury, to carry out every one of those recommendations. But with regard to the second part of the Report of the Commission, which related to certain arrangements proposed for obtaining sailors from the mercantile marine, the evidence had not yet been received, and before the Government could make up their minds on so important a plan they should see that evidence.

Mr. W. S. LINDSAY remarked, that the first part of the Report of the Commission recommended an expenditure of not less than £100,000 of money. There might be some hon. Members who thought that it was not necessary to incur that increased expenditure, and who believed, as he did, that we should find no difficulty in manning our navy in time of peace. It would be advisable to take the sense of the House upon that Question.

Sir CHARLES NAPIER said, that the First Lord of the Admiralty seemed pleased that the ships lately commissioned had been manned so soon, but he must remember, that they had been manned by drafts from other ships. He hoped he would issue an order at once to let the sailors know that they should have power to allot their money to their wives, and also that their pay should be received regularly.

SIR JOHN PAKINGTON said, that the regulations would be promulgated as soon as all the details were settled.

MR. CARDWELL expressed himself satisfied with the explanation given by the right hon. Baronet. The Commissioners recommended that there should be an increased allowance for provisions to the extent of £42,000, and he wished to know whether the present Vote would be increased by that amount.

SIR JOHN PAKINGTON replied, that the Board of Admiralty had sanctioned that recommendation, but it was impossible to carry it into effect without a detailed arrangement, which was being prepared at present.

MR. CARDWELL supposed, then, there would be a supplemental Vote.

MR. BERNAL OSBORNE wished to know when the Reports of the three Committees promised by the Government would be laid upon the table?

SIR JOHN PAKINGTON said, he had not yet received the Report of the Committee on the dockyards. The others had been received, but had not yet been submitted to his Colleagues; but after that they should immediately be laid before the House.

Vote *agreed to.*

House resumed.

Resolution to be reported on *Monday* next.

WAYS AND MEANS.

COMMITTEE.

Order for Committee read.

House in Committee.

£1,222,383 8*s*. 9*d*., to make good deficiencies Grants for 1858-9.

SIR HENRY WILLOUGHBY asked, whether the Chancellor of the Exchequer intended to introduce any measure in reference to the issue of public money.

THE CHANCELLOR OF THE EXCHEQUER said, he mentioned the other night that there were three Bills which had been prepared, and one of them referred to the subject alluded to.

Vote *agreed to;* as was also one for the grant of £11,000,000 for Supply.

(1.) *Resolved*—That, towards making good the Supply granted to Her Majesty for the deficiency in the Grants for the Service of the years ending the 31st day of March, 1858 and 1859, the sum of £1,222,383 8*s*. 9*d*. be granted, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

(2.) *Resolved*—That, towards making good the Supply granted to Her Majesty, the sum of £11,000,000 be granted, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

The House resumed.

Resolutions to be reported on *Monday* next.

EAST INDIA LOAN BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

LORD STANLEY proposed to fill up the blank in this clause with the sum of £7,000,000.

MR. CRAWFORD thought that some notice ought to be given of the way in which the Government intended to avail themselves of the powers created by this clause. The cause of the depressed state of Indian securities was owing to the fear of constantly increasing demands. He wished to know whether it was to be raised by one sum to be paid in instalments, or by sums to be raised at different periods?

LORD STANLEY thought that the matter ought to be left to the discretion of the Executive Government. All or nearly all of the sum was needed for the actual home expenses of the Indian Government. He could not be more definite on the subject.

Clause *agreed to.*

SIR ERSKINE PERRY inquired if it were necessary for the Secretary of State for India to apply to the House for leave every time he required a loan of money. When the Company was in existence it had to apply to Parliament for such power; but as the colonial Governments could of their own motion raise money, he wished to know if the Indian Government possessed an analogous power.

LORD STANLEY said, he had taken legal opinion upon the point, and was informed that the Government of India had succeeded to all the powers, responsibilities, and liabilities of the Company. The Secretary of State might raise what money he required without the sanction of Parliament, but only by a circuitous process.

The Government of India, in India, might, by its agents here, raise the money; but that, although within the letter, would be contrary to the spirit of the law.

Mr. CRAWFORD inquired if the debentures under this act would rank *pari passu* with those under the Act of last Session?

Sir FITZROY KELLY replied, that there would be no preference.

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported.*

COUNTY COURTS BILL.

SECOND READING.

Order for Second Reading read.

Mr. WILSON asked what were the objects of the measure?

Sir STAFFORD NORTHCOTE replied that it was to repeal the 32nd clause of the County Court Act, which excepted the high bailiffs of Westminster and Southwark from its provisions. The two gentlemen who held those appointments were since dead, and it was therefore thought desirable to place those appointments on the same footing with those of the other high bailiffs.

Mr. AYRTON would take that opportunity of calling the attention of Government to the treatment of County Court prisoners, who were treated in the same manner as criminals.

Sir FITZROY KELLY said, the question referred to a subject alien to the objects of the Bill, but yet one of serious importance. He had heard certain reports which bore out what had fallen from the hon. Gentleman, and had asked for returns. Should he, when he obtained them, find that what had been stated was the case, he should loss no time in applying a remedy.

Bill read 2°.

House adjourned at a quarter before one o'clock, till Monday next.

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HOUSE OF LORDS,

Monday, March 14, 1859.

Minutes.] *Took the Oath.*—The Earl of Bandon.
Public Bills.—1ª Court of Chancery Accommodation.
3ª Ecclesiastical Courts and Registries (Ireland).

Lord Stanley

CONTRACTS WITH ELECTRIC TELEGRAPH COMPANIES.

MOTION FOR PAPERS.

Lord STANLEY of ALDERLEY moved for Copies of any Contracts which have been made by Her Majesty's Government with any Individual or Company for the Construction and Maintenance of Electric Telegraphs. The noble Earl said, as he understood no opposition would be made to the Motion he would not trouble their Lordships with many observations; he would only say that he trusted in any contracts which might be made, care would be taken to include a power to the Secretary of State, in any public emergency, by warrant, to take possession of the electric telegraph and keep it as long as the public service demanded, compensation being awarded to the company. Such a power was taken in all Acts relating to telegraph companies in this country, and if such a power was of importance here it was still more so with regard to telegraphs connected with British possessions abroad—such as Malta and Corfu—in order to preserve communication with England, and exercise the necessary control over the transmission of messages. Cases of public emergency might arise so as to require the exercise of this power, either in actual war or in anticipation of war, and he trusted the Government would see the necessity of such a clause. There were other powers also which he thought it expedient the Government should possess—that of purchasing electric telegraphs, submarine or otherwise: the compensation to be fixed by arbitration or by any other mode the Executive Government should think fit. The principles laid down by the noble Earl (the Earl of Derby) the other night were quite satisfactory—first, that no monopoly should be given to any one company; second, that no guarantee should be given to any electric telegraph company unless in actual working order; and that such subsidy be granted only so long as the electric telegraph was in working order. Another point of importance was that the Government should not tie themselves up to any arrangement with any company or individual, but should be open to receive the best terms from any quarter; and he thought it the more necessary to make these observations as he had been informed that an offer had been made for constructing an Atlantic Telegraph on a payment by the Government of £25,000 a year, and that the person who had made this offer had received no answer. He did not know whether or not that was correct, but he hoped the Government would, by competition, obtain the best terms they could for the public.

The Earl of DONOUGHMORE said, there would be no objection to the Return. The points which the noble Lord had mentioned were most important, and would receive full consideration. He had no knowledge of any such application having been made to the Treasury as that to which the noble Lord alluded.

Lord REDESDALE said, that a different practice prevailed in this country with regard to public works from that which existed in other countries. In other countries the Government undertook the construction of such public works as private companies undertook in this country. The introduction of the principle of the Government guarantee to public companies was a novel one. He had always objected to them ; for they were unnecessary and were absolutely injurious, for when once the practice was established no work would be undertaken without a guarantee. Generally speaking, in this country, whenever an undertaking was likely to pay, it would not languish for want of encouragement. He had strenuously opposed the proposal to give guarantees for the Irish railways, and now, though unguaranteed, they paid on the whole better than the English lines.

Motion *agreed to.*

COURT OF CHANCERY ACCOMMODATION BILL.

PRESENTED. READ 1ª.

The LORD CHANCELLOR laid on the table a Bill to extend the powers of the Lord Chancellor for providing accommodation for the Court of Chancery. The noble and learned Lord said that in the year 1841, when two additional Vice Chancellors were appointed, the Honourable Society of Lincoln's Inn, at their own expense, erected courts for their accommodation ; but those courts, not having been intended to be permanent, were now nearly worn out, and they were small and incommodious. Since that period a change had taken place in the business of the Court of Chancery by the abolition of the Master's offices, and the transfer of their business to the Judges of the Courts and their chief clerks, which rendered it essentially necessary that new courts should be provided. It was indispensable for the transaction of business that the construction of the courts should be such that the Judges and their clerks should be close to each other. Negotiations had been entered into with the Hon. Society of Lincoln's Inn, who had undertaken to build proper courts on being secured a rent amounting to 4 per cent on the outlay, together with the amount of any loss of rent of premises which it would be necessary to remove in order to make room for the new courts. The existing powers of the Lord Chancellor, were not sufficient for the purpose. Under an Act of 1852 the Lord Chancellor had power to provide out of the funds which should be in the Court suitable buildings for the transaction of the business; but the power only existed of applying the funds year by year. This Bill, therefore, was intended to enable the Lord Chancellor to apply the funds of the Court in paying the rent for a term of ninety-nine years, and for any such further term as might be thought fit, for the purpose of paying a rent not exceeding £4,000 a year, amounting to 4 per cent on the outlay, with rack-rent of the removed premises, as he had adverted to. He should not have thought it necessary to trouble their Lordships with any further remarks ; but he was aware that there was in agitation a grand scheme which he was afraid would oppose some obstruction to the limited objects which were sought to be achieved by this Bill. It was very much desired to erect a building for all the courts of law and equity on a site of ground amounting to about seven acres, which would be obtained by removing all the buildings between Carey Street and the Strand. It was a most magnificent plan, and one that would have had his hearty concurrence, if it were not for the means which were proposed to be resorted to in order to effect that object. It was proposed to take £800,000 of the Suitors Fee Fund for the purpose of erecting that building. In the office he filled he was one of the guardians of that fund, and he must object to such an application of it. He must protest against any application of the funds bebelonging to the Court of Chancery for the purpose of carrying out that most magnificent scheme. That fund arose originally from an investment of the money which was paid into the Court of Chancery to the account of the Accountant General by the suitors of the court. That money was invested, and the dividends applied in payment of salaries, in payment of compensations, and in all other expenses of the Court. The surplus, after application of the fund to those purposes, was invested for the purpose of providing an indemnity fund against consequences which might possibly ensue from failing of the funds and the original investment not being sufficient for the purposes for which it was intended. That system continued till 1852, when it was considered that the fund had increased to such an extent as to render any further accumulation of the fund unnecessary for the protection of suitors. Under those circumstances the Suitors Relief Act was passed in 1852, by which it was provided that the surplus of that Indemnity Fund should be carried over to the Fee Fund, and the consequence had been that the Court had been able to reduce to a very considerable extent the fees on proceedings in the Court. He understood that the plan to which he had just adverted was that Government should guarantee the payment of the different compensations, salaries, and pensions, which were only temporary and gradually dying out, to the extent of £30,000 a year, and that when all those salaries, pensions, and compensations came to an end, no further payment would have to be made. It appeared to him to be a most extraordinary scheme to propose to take away a sum of £800,000 from the suitors of the Court of Chancery, the interest of that sum (£30,000) to be paid by the Government, and that when these compensations came to an end, and the pensions were no longer to be paid, instead of allowing the fees of suitors to be reduced by the amount of the pensions no longer to be paid, to entirely abstract the £800,000 from the Suitors' Fund for other purposes. That appeared to him to be a most improper application of the particular funds belonging to the Court of Chancery. He had stated that possibly there might be objections offered to his limited scheme by reason of that grander and larger plan. It was supposed that the plan of building courts for the Vice Chancellors might prevent the larger plan being carried out. He would at all events say this, that wherever the funds were to come from it would take a great number of years before the great scheme could be carried out. In the mean time new courts were required for the Vice Chancellors, and there was no good reason why they should be put off until that scheme, however important, could be carried out. He did not know that these Vice Chancellors' courts could be obstructive to the general scheme of a building for all the courts, because they would not be more than 250 yards from the new courts. It therefore struck him that they would rather further than obstruct the larger plan. Under these circumstances he trusted their Lordships would consent to the introduction of the Bill.

Bill *presented*, and read 1ª.

House adjourned at a quarter to Six o'clock, till to-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 14, 1859.

MINUTES.] NEW MEMBERS SWORN.—For Northumberland (Northern Division), Right Hon. Lord Lovaine; For Enniskillen, Hon. John Lowry Cole.

PUBLIC BILLS.—1° Saint James Baldersby Marriages Validity.

2° Petitions of Right; Affidavits by Commission, &c.; Oaths Act Amendment.

3° Remission of Penalties; Evidence by Commission.

NAVAL EXPENDITURE.

OBSERVATIONS.

SIR JOHN PAKINGTON: Sir, in consequence of the statement made by the noble Lord the Member for Sandwich (Lord C. Paget) on Friday evening, to the effect that within the last eleven years, out of the money voted from time to time by this House for the expense of the dockyards, no less than £5,000,000 has been either unaccounted for or devoted to what the noble Lord termed reckless alterations, I wish to give notice that in the course of a day or two it is my intention to lay upon the Table, together with those Reports of Committees which I have already promised, a full statement of the mode in which the monies voted by this House, during these eleven years, have been appropriated. It is also my intention that that statement shall be given in as much detail as it is in the power of the Department of the Surveyor of the Navy to supply it.

NATIONAL EDUCATION (IRELAND).

QUESTION.

MR. LEFROY said, he rose to ask if the Secretary of State for the Home Department intends to bring under the consideration of the House any plan by which those persons in Ireland who cannot at present participate in the Grant for National Education may be enabled to do so.

MR. SOTHERON ESTCOURT said, he must confess that during the ten days—for it was only ten days—that he had held his present office, he had not had an opportunity of considering the subject, which he thought required to be fully examined before any person ventured to take upon himself either to bring forward a measure or determine what ought to be done with regard to it. The only answer he could give his hon. Friend, therefore, was that he had no present intention of moving in the matter; but his hon. Friend and the House might depend upon it that should he form such an intention he would give them an opportunity both of knowing what was proposed to be done and of expressing an opinion thereon.

METROPOLITAN MAIN DRAINAGE.

QUESTION.

MR. W. WILLIAMS said, he wished to ask the hon. Member for Bath (Mr. Tite) as a Member of the Metropolitan Board, what steps have been taken by that Board with reference to the Main Drainage of the Metropolis, particularly on the south side of the River.

MR. TITE replied, that he had but very recently joined the board; but he had asked its very able chairman for the information his hon. Friend required, and he believed he should be able to give him a correct answer to his question. On the south side of the river there were two systems of sewers, the high level and the low level. The high level sewer began at Clapham, and ended at Deptford; its length, including branches, would be 10 miles; and the estimated cost was £203,000. The contracts for the work had been concluded this week. The low level sewer began a Putney, and ended also at the same point as the high level—namely, at Deptford. With its branches it would be 11 miles in length, and the contracts for it would be advertised in June. The two systems of drainage for the south side of the river united at Deptford Creek, where the contents of the low level sewer would be pumped into the high level sewer, and then be conveyed for 7½ miles to Erith, where it would flow into the estuary of the Thames. On the north, the City side, of the Thames, there were three systems of sewers. One of these was contracted for. It began at Hampstead, and ran 7¼ miles to a point on the river Lea. It was contracted for at £152,000; the works had been commenced about a month, and would probably be finished within the twelve months. The scond sewer on the north was the middle level sewer. That would begin at Kilburn, and join the first at the same point on the river Lea. Its length was about 10 miles, and it would be contracted for towards the end of the year. There was a third system of sewers on the north side which was involved in the Thames embankment, and would require a considerably longer time in its construction. The whole three systems would unite at the river Lea, where the water in the low-levels would be pumped into the high-level, and be carried in one conduit to Barking Creek, a distance of 4 miles. One portion of the works, were already commenced; another would begin in a few months, and the whole would be completed, it was hoped, within four years. With respect to the money required, the entire £3,000,000 had been lent by the Bank of England at 3¾ per cent.; and it was with pleasure he added that, inasmuch as it was to be paid off in forty years by a 3*d.* rate, the product of that rate for the present year had been £10,000 more than the estimate. It was estimated that the rate would produce £140,000 a year; in reality, it had produced £150,000; and if that increase continued there was every expectation that the debt of £3,000,000 thus created and expended would be paid off in thirty, instead of forty, years.

INLAND BONDING WAREHOUSES.

QUESTION.

MR. HADFIELD said, he would beg to ask Mr. Chancellor of the Exchequer whether it is the intention of Her Majesty's Government to establish Inland Bonding Warehouses in England and other parts of the United Kingdom.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in reply to the inquiry of the hon. Member, relative to the establishing of Inland Bonding Warehouses in the large manufacturing and commercial towns of England I have to state that the question had for some time been under the consideration of the Government, subject to its being referred to the Board of Customs, who have sent in a Report within the last day or two, but which I have not yet had time to read.

TITLE TO LANDED ESTATES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

On Question that the Preamble be postponed,

MR. SLANEY said, he rose to bear the testimony of his gratitude to the hon. and learned Gentleman (the Solicitor General) and Her Majesty's Government for having brought in the measure. He happened to have been Chairman of a Committee relative to the condition of the working classes, and he was satisfied that nothing could aid those classes more than a Bill whose object was to simplify the transfer of landed property. He looked upon this measure, therefore, at once as a boon to the landed interest, as of much value to all who wished to make investments in small portions of land, and of the greatest possible benefit to the country at large. It had been long wanted, and he believed that without injuring any one it would give increased value to landed property, and enable many persons in the vicinity of towns to obtain small portions of land, which they could not do under the existing complex system of law, unless they first went to the expense of examining intricate questions of title.

MR. MALINS said, the House was going to consider in detail the provisions of a measure the merits of which they had not yet discussed. For himself, he had very great doubts whether it would be found very extensive in its operations, or prove so beneficial as his hon. and learned Friend the Solicitor General (Sir Hugh Cairns) anticipated it would. As he had accidentally lost the opportunity of raising a discussion on those points when the Speaker put the Motion, he should now, with the permission of the Committee, proceed to do so, and for that purdose move, *pro formâ*, that the Chairman report progress. [MR. HADFIELD: Hear, hear!] That the object of the Bill was a most desirable one to be attained no one would deny. Its principle was this—that there should be established a Landed Estates Court in England, to which a person, being seised in fee—in other words having the fee simple of property or possessing absolute dominion over it—should be entitled to apply for a judicial declaration of his title, and that judicial declaration being made the title was to be registered, and be conclusive against all the world. In other words, upon this judicial declaration would be granted a Parliamentary title. In the able speech with which his hon. and learned Friend introduced the Bill he referred to the Report made by the Commission of 1854, which reported in 1857; and he stated that the perusal of that report had produced a profound impression on his mind. That being so, he (Mr. Malins) certainly expected to find that the Bill was in conformity with the report, but to his surprise in some of its most important points his hon. and learned Friend's proposals were diametrically opposed to it. Thus, the Bill proposed to constitute a court which should make a judicial declaration of title, the registration of which would be conclusive against all the world; but the Report of the Commissioners was altogether opposed to such a system. He would now, however, mention some of the practical difficulties which stood in the way of an extensive application of the Bill. In the first place, the Bill did not propose that the application to the Court should be compulsory; on the contrary, it was to be entirely optional; and that of course would greatly diminish its operation. In the next place, the measure was to apply only to lands of which the owners were seised in fee, that was, several persons seised in fee, or one person for life, with remainder to others in fee. The person making the application, however, must have control over the fee, and come before the court voluntarily. That provision again would greatly abridge and narrow the operation of the Bill. It would exclude all settled estates, all copyhold estates, and all estates held for years, for lives, or for any other estate less than a fee simple. Now it struck him (Mr. Malins) that no measure of this kind could have any great value unless it were general and even universal in its application; yet his hon. and learned Friend proposed that it should apply only to tenants in fee. He also proposed that before the first judicial declaration fifteen months should elapse, and before the final declaration two years. It happened that bad titles were very rare. The titles that were rejected by mortgagees or purchasers because they were bad were almost infinitesimal in number. He had recently applied to an eminent conveyancer in Lincoln's Inn, and asked him what he thought was the proportion of titles which he had investigated on behalf of purchasers and mortgagees, and which were ultimately rejected because they were bad; and the reply he received was that they were so few that he was almost afraid to name them. A man might treat for the purchase of an estate over which other persons had rights interfering with the absolute dominion, such as a right of sporting, but with the concurrence of the parties interested those rights might be released and the title perfected. As the owners of estates were to come to the proposed court voluntarily, they must be divided into two classes—namely, those who had good titles, and those who had not. Let it be borne in mind, however, that changes in the ownership of land in this country were not very frequent. True, there was always a large quantity in the market, but taken with reference to the aggregate in the country, it had been found that land did not, on the average, change owners oftener than once in thirty years. Particular estates might often change hands; but taking a thousand estates they would find that they did not change more frequently than once in thirty years; and in such cases all a man had to do was to refer to his own solicitor to make out his title. A man who had bought land ten or fifteen years before and had enjoyed undisputed possession ever since was not likely to incur the expense and delay of an application for a declaration of title whenever he wanted to borrow money or sell his land. Did the Committee believe that land was being depreciated in value? Had it touched a low price in consequence of doubts with regard to titles? Did they not know that every year land was increasing in value, and that the minimum price for which it was now sold was thirty years' purchase, whilst in some cases it reached as high as thirty-five. If, then, it were argued that land was not valuable on account of the difficulty in mortgaging or selling, he begged to deny the fact. He had received assurances from the most experienced conveyancers that although occasionally a title might be delayed considerably, yet the average of purchases were completed as soon as the parties desired to complete them; and that in all cases where they were desirous of completing their contract the period between the commencement and the completion of the contract was from three to four months. Supposing, then, that an owner of land had a good title would he go to a court and wait two years for a judicial declaration of that which he knew already to be true, and of which he was in the daily enjoyment? On the other hand, if a man suspected that he had not a good title, was it likely that he would go to the court, expose it to a Judge, and have it decided and proclaimed that he could not show a title? What would become of the estate of a man when it was known that he had applied for a judicial declaration of title and that a declaration had been made that he had none? How many years' purchase would be struck off the value by this means? The fact was that time removed all these difficulties, and the title that was bad in 1860 would be found to be good in 1870 or 1880. The suitors in the court, therefore, might be divided into those who had good titles and those who had doubts whether they had or not. In other words those who would not apply and those who could not apply—those who would not apply because they were satisfied with their titles and did not want a declaration; and those who could not apply because they had doubts and feared they would not obtain it. The principle of the Bill being that there should be a judicial declaration and a Parliamentary title, let the House see what the Report of the Comissioners said upon the subject; but first observe what took place last year upon the Irish Landed Estate Bill. For the first time it was proposed last year to extend the principle to unencumbered estates, and to allow a man who did not mean to sell to come before the court and obtain a judicial title. He objected to that on principle, because it was unknown to the law that absent parties should be bound in any way by a judicial declaration. Indeed, he did not think it very likely that persons would so come; and he was confirmed in his opinion by what was stated by the hon. and learned Member for Ennis (Mr. FitzGerald) the other night on another subject, that since this Bill came into operation in Ireland there had been only two applications made for such a judicial declaration; and he (Mr. Malins) understood that both these applications had since been withdrawn; so that practically there had not been a single application. His hon. and learned Friend had referred in support of his Bill to the

Report of the Commission on landed titles, but he maintained that that report gave him no support whatever. But before going into that report he desired to say that it was contrary to the law of England that the rights of B, who was absent, should be prejudiced on application of A, who was present. His hon. and learned Friend alleged that due provision had been made for such a case by advertisements in the papers, and by placards posted over the estate. That was all very well; but how often did it occur that parties did not know they had a title. He remembered a case where he was counsel for an hon. Gentleman who for many years had been a Member of that House; he was applied to to concur in the conveyance of an estate, and he replied that he had no objection to concur, but he would like first to look into the rights of the matter. When his advisers came to look into the title, he found, to his great surprise, that he had a legal claim to the estate. The claim was contested, of course, and he (Mr. Malins) fought the gentleman's case through all the Courts of Westminster Hall, and finally established him in possession of a considerable estate, of which he would never have heard but by the accident he mentioned, and of which a judicial declaration would have barred him for ever. But suppose the case of an unborn child, or the case of an infant whose guardians were not aware of its rights, their claims would be equally barred by the operation of this principle. In fact, if this principle were adopted gentlemen would require to spend their lives in reading advertisements and in keeping agents to look after placards, lest some persons should unaware sell the estates to which they had some claim. His hon. and learned Friend professed to found his Bill on the Report of the Commission, and that report had gone into the question of Parliamentary titles, but its conclusions were somewhat different from those of his hon. and learned Friend. The report was in favour of a register of titles, but the Commissioners objected to any scheme for giving Parliamentary and unimpeachable titles. Such a scheme would be oppressive to claimants, and would be still more oppressive to those who were put upon their defence. They considered that to make a judicial or a quasi-judicial declaration of title an indispensable requirement to being put upon the register would be objectionable. The expense would exclude all the small proprietors, and the trouble would exclude many others; so that the Committee would observe this report was diametrically opposed to the provisions of the Bill which required that there should be a judicial declaration. The report was also diametrically opposed to the establishment of a Landed Estates Court. His hon. and learned Friend in this Bill proposed the establishment of a court to consist of two Judges whose business should be to investigate all titles and to declare whether they were or were not good. What was the object of all this? He knew it was a favourite scheme with many gentlemen to simplify the registration of titles and the transfer of land. To a certain extent he was an advocate for both those objects; but let the Committee never forget that the same system could not be applied to land as was applied to ships or to money in the public stocks. If, indeed, the House declared that land should not be settled to secure portions, jointures, and the like, then undoubtedly they might simplify the transfer of land. The great difference between land and stock might be seen in the usual settlements of land. An estate in land was settled upon a man for life, with remainder to his wife, with remainder to his first and other sons, with remainder to trustees to provide for younger children, with power to tenants for life to grant leases, to sell and exchange and the like, and if you abolish those settlements, which seemed to him the most rational the world had ever seen, then, to be sure, titles might be simplified. The land tied up in such settlements as those he had referred to, comprised a large portion of the surface of England, and all that portion of land was excluded from the operations of this Bill, because his hon. and learned Friend applied it only to that land of which persons were seised in fee. He knew there were many persons who had no experience whatever of the operation of settlements in this country, who could not understand why land should not be transferred as easily as money in the stocks [Hear, hear!] Yes, he heard that cheer. But one difference between them was this, that everybody knew the land could not run away while they were sleeping. Could that be said of money in the Funds? How often did it happen that a surviving trustee applied the money in the Funds to his own benefit, and the real owners were ruined? Who would trust a settlement on a ship with the same security as they would trust a settlement on land? If they intended to maintain the old character of English settlements, it was a sheer delusion to suppose that the transfer of land could be made as simple as the transfer of stock, or of a chair or table. How, then were they to attain further simplicity in the transfer of land? Why, it was in the course of being simplified. It had already been greatly simplified in the course of his own experience, in consequence of the old causes of delay and other abominations that had been swept away by those reforms that had followed on the Report of the Commission moved for by Lord Brougham in 1828; and as they went on with the simplification of the law, so the titles to estates and transfers of land would also be simplified. If his hon. and learned Friend should succeed in passing this Bill, it would be many years before it came into extensive operation, because a large portion of the property of England was excluded from its operation; and of the rest, the owners might be divided into two classes—those who had good titles, and those who had bad; and of these, the first class would not go, and the last, could not go to the Court. If the Bill passed, he apprehended that its operation would be so limited that you would be establishing Judges with nothing to declare, and a Register Office with nothing to register. If, however, the House thought that the experiment ought to be tried, he should offer it no opposition, and though he belived that some of the principles which he had already pointed out were dangerous in their nature and mischievous in their operation, he should be very glad to find himself mistaken, and this he would promise the House, that if hereafter he found that his hon. Friend was right, and he wrong, he would not be slow to acknowledge it.

MR. HEADLAM said, he wished to take that, the earliest opportunity, to express his admiration of the manner in which his hon. and learned Friend had introduced this Bill, and to express his cordial concurrence with the scheme contained in it. To say that the principle of these two Bills was a judicial declaration of title was not either a full or accurate statement. The principle of these measures was the registry of the land itself—that is to say, that each piece or parcel of land should be registered in the names of certain individuals as ostensible owners to whom, and to whom alone, a purchaser would have to apply, so that the onus of investigating the title would not be as now, cast upon the purchaser, but he would be able to say, if you can put my name upon the register, then I will try. If you cannot do so, then you have not made a title to the land, and there is an end of the bargain. In this way a purchaser would obtain when his name was once upon the registry a perfect and indefeasible title. His hon. and learned Friend the Member for Wallingford had told them that there was a great difference between land and funded property; and that was no doubt true. They differed in many most important respects, but it did not follow that the mode of transferring the one should be totally different in land from the mode of transferring the other. The difference between the titles to them even at present was one of degree rather than of principle. Stock might beneficially belong to one, and yet stand in the name of another. Stock might be made the subject of settlements of all kinds; a description might be beneficially given to one for life, with remainder to children, born and unborn, and yet consistently with all this people bought in the market without difficulty and with perfect security from those whose names appeared in the books of the Bank of England. So also land might be settled for a term for life, for further estates to arise upon certain contingencies, and for estates in favour of younger children; with power of jointuring, power of leasing, selling and exchanging; and yet in a well-drawn settlement contemporaneously with all these estates and interests there would be a power in trustees to revoke these trusts and to sell, and the purchaser would obtain a perfectly good title from the trustees. That was the case now, and it was a similar principle which was embodied in this Bill, and he saw no insuperable difficulty in giving by statute the same power to the registered owner which was now possessed by trustees. At the same time he did not deny that there were difficulties in the way of this change, as there would be in the way of all great changes. A case was stated by the hon. and learned Member for Wallingford when the heir-at-law discovered his title to the land which he was asked to concur in conveying. The example proved nothing against the Bill—the same investigation which, under the present practice, brought to light the title of the heir-at-law, would, if the Act were in operation, havh a similar effect, and the title of the heir-at-law would be discovered and established, A case might undoubtedly be conceived when injury would be done under the system to be established by this Bill. Take the case of a legal estate for life in A, and a vested legal remainder in an infant child — such a remainder could not now be affected by any one whatever; but if this Bill were law, and this remainder were not discovered, and the life estate supposed to be an estate in fee, the child might be deprived and an indefeasible title conveyed to a purchaser upon the register beyond appeal or recovery. But, then, the supposition involved a chance so infinitely small as to weigh for nothing. Instead of a legal estate, suppose the remainder were an equitable estate, and that a conveyance were made to a purchaser without notice, then, under the present law, the equitable estate would be destroyed. The dangers that now affect equitable estates might in some cases be extended to legal estates. This was the extent of the evil. He thought the advantage this Bill would confer to be so great that the very improbable evils which he had been considering ought not to weigh against it. He spoke confidently, for, to say the truth, he had long considered the subject, was and no recent convert to such a scheme. So long ago as the year 1848, when the Irish Incumbered Estates Bill was before the House, he suggested such a scheme as this to the present Master of the Rolls as a necessary complement to that Bill. Again, in 1850 when a Bill for the registration of assurances was before the House, he laid on the table clauses to substitute such a scheme as this, which clauses were then printed, and contain the views he then entertained upon the subject. Moreover, he was one of the Commissioners which reported on this subject in 1857, and this plan was in many respects similar to that which was proposed. It is true that certain portions of the plan did not meet with his concurrence, and he was obliged to signify his dissent, and add a memorandum of his own to the Report of the Commission; but the Bill did not contain those provisions to which he was opposed, and he therefore cordially concurred in the general scheme of the Bill. He had mentioned the chief difficulty which had occurred to him — namely, that there was a possibility of a remote legal estate being injuriously affected under the operation of the system to be established by this Bill; but he contended that the danger was so small that it ought not to prevent the House accepting the Bill. He thought also that a hardship might arise in future to persons selling under conditions of sale, for the general rule would in future be that a purchaser would insist upon an indefeasible title, and not be satisfied with a title, the merits of which he was precluded to investigate by conditions of sale. He would also ask whether his hon. and learned Friend had sufficiently considered the cases of leases of coal, iron, and other articles of value under ground, which occurred in the North of England chiefly, and in other mineral and manufacturing districts. These leases were often held by very complicated titles, not only as regarded what was below the soil, but also with regard to surface rights. Some of these rights were secured by personal covenants only, and others by covenants running with the land; and he wished that his hon. and learned Friend would direct his attention to the point, and meet the objection by adding further clauses to the Bill. In conclusion he (Mr. Headlam) did not understand the object of the hon. and learned Member for Wallingford (Mr. Malins) in making the speech he had done at this particular period. After the statements they had heard that this Bill would interfere with the well-being of society, and disturb the settlements of the country, he thought he should have taken some step that would have tested the opinion of the House upon the merits of the Bill. Had the hon. and learned Member taken that course he (Mr. Headlam) should certainly have given his vote in favour of the measure.

MR. BOWYER said, he did not rise to oppose the Bill, but to make a few observations on the important question to which it referred. He believed, that the discussion of the subject would be attended with advantage, but he was by no means sanguine as to the utility of the Bill if it should pass into law. He objected to the measure because it was apparently a sort of palliation of the bad state of the law of real property. In his opinion, the proper mode of dealing with that question was to ascertain what were the defects of the law, and what were the reasons which prevented the easy transfer of real property, and consequently diminished its value. But what did this Bill propose to do? The Bill attempted to facilitate the transfer of land irrespectively to the law which governed real property. The Bill proposed to create a Court of a most anomalous description, upon which it was proposed to confer a jurisdiction unparalleled in the history of jurisprudence, unparalleled anywhere except in Ireland; and even there this jurisdiction had not been practically exercised, for he had been informed that not a single instance had occurred in which the only branch of the powers of the Irish Court which this Bill proposed to transfer to England had been brought into actual operation. According to the ordinary principles of judicial proceedings, they ought to have *judex actor et reus;* they must have a plaintiff and defendant; and one of the very first principles of law was, that decrees of the Courts had no effect except with respect to the rights of persons who were before the Courts. But this Bill proposed to create a Court whose decrees would have effect upon persons who were not before it, and who might have no notice or knowledge whatever that any interference with their rights was contemplated. If this proposal showed anything, it proved the very defective state of the law of real property; and it must be admitted that that branch of the law was in a most complicated and unsatisfactory state, although, as the hon. and learned Member for Wallingford (Mr. Malins) had observed, a great deal had been undoubtedly done to simplify it. He was not, however, prepared to admit that the state of the law was such as to justify the creation of a Court with a jurisdiction opposed to every principle of jurisprudence which regulated judicial proceedings. The Irish Estates Court had two branches of jurisdiction. The first related to forcing the sale of incumbered property, and the other to the declaration of titles. His hon. and learned Friend the Solicitor General did not propose to apply the first branch of that jurisdiction to this country; but he did propose to give to the Court to be established under this Bill the power of declaration of titles. He objected to the Bill, because it would attempt to do what was impossible — to make a bad title a good one. His hon. and learned Friend might not admit the justice of that statement, but if the measure did not do that, it would do nothing. Now, undoubtedly, a man who had a good title would not go to the Court, for if any one laid claim to his property, the claimant must prove his title. This Bill proposed, however, that a man who was in possession with a good title should require the Court to declare his title good. The answer in such a case would naturally be—"*Quis accusavit?* If you have a good title you may surely be satisfied." But suppose the applicant not to have a good title, how could the Court make it good? Suppose the Court should examine the title and find that it was not satisfactory, in what a position would the applicant be placed! If by so doing he made known a fatal objection to his title, he (Mr. Bowyer) believed, that under such circumstances most people would say that he was rightly served; but did his hon. and learned Friend think that landowners would expose themselves to such difficulties? Another objection to the Bill was, that it was confined to estates of fee simple, but very few persons, except small proprietors, possessed estates in fee simple, and consequently very few cases could occur in which the Bill would operate. The law of real property undoubtedly required improvement. When it was asked why real property could not be transferred as easily as personalty, he would say that the answer was to be found in the whole course of the history of England, and that these difficulties were attributable to the feudal system. By the civil law land was as easily transferred as personal property; but under the English law the difficulties of transfer were enormous. If, however, the law of real property were assimilated as much as possible to the law of personalty, they would then materially facilitate the transfer of land. That was the real object which the House ought to have in view; and after much examination of the subject, he had formed a strong opinion that the only system of registration which would be found useful was a registration of deeds. Such a registration existed in every country in Europe except our own. It was as ancient as the days of Justinian, and was adopted wherever the civil law prevailed. The answer to this suggestion probably would be, that the number of deeds affecting real property in England was so great, that it would be impossible to carry such a registration into effect. He admitted the argument to its fullest extent, but it only corroborated his opinion that if you wanted to improve the transfer of real property you must begin by improving the law of real property, so that the multiplicity of deeds now necessary might be dispensed with. This would be easily done. A great advance towards it had been made in modern legislation, and when the law was brought into such a condition that land could be passed freely by contract, and when there were not two sets of Courts administering the law on different principles, it would then be possible to establish a register of deeds to answer every purpose which this Bill was intended to accomplish. It was now proposed that, to a certain extent, after registration the title in process of time should become indefeasible. But there was a much more simple way of doing this. What was wanted was a good Statute of Limitations, which would answer all the purposes of a declaration of title and a register. It was true that we had a Statute of Limitations already, but practically it was a failure. The Judges had got into the habit of discountenancing this statute, and had picked so many holes in it that it could rarely be relied upon. They were not of the opinion of Justinian, who spoke of Statutes of Limitation as the friend of law—*amicus juris præscriptio.* The statute at present in force was intended to give a title after thirty years' possession; but it was still necessary to go back sixty years, the chief reason being that, as remainder-men had no means of asserting their claims during the continuance of the life estate, their case had to be provided for. Now, the defect might be cured by instituting declaratory actions, and by providing that Statutes of Limitation should run notwithstanding the existence of life estates. The Bill, notwithstanding its defects, altogether deserved great consideration, but he could not withhold his opinion that practically it would prove of very little utility.

MR. HADFIELD said, he regretted that this Bill had not been discussed more fully and effectually, for the objections to it were both numerous and weighty. He concurred in the sentiments of the hon. and learned Member for Wallingford, whose eminence as a conveyancer was generally acknowledged; and he was glad that hon. and learned Member had expressed his opinions on this important Bill. No measures like that before the House, to accomplish the objects proposed by the learned Solicitor General could be safely enacted unless the law was changed, so as to make the owner of the legal estate in freehold and other property, whether a trustee or otherwise, the absolute proprietor, and empower him to discharge the property itself, from all equitable and other interests, under settlements, wills, and like instruments. That, however, was the actual state of the law, in respect to trustees and others interested in Government stock, India stock, railway stock, monies out on mortgage, and the like; and in all these cases trustees, as well as owners, liable to equitable interests, had absolute power over the trust and other property affected, and they could sell and transfer it, without making the purchaser responsible for any abuse of trust; and, under this state of the law, there was no difficulty in transferring property, without investigation of title, or inquiry whether there were any existing liabilities or charges on it. They might give the same facilities for the transfer of land as they did for that of stock, but was the country prepared to give to trustees and persons in possession under wills and settlements the whole power of dealing with landed estates? He thought not, and yet until that was done, the present system of conveyance must be adopted, in order that all interests might be ascertained. He believed that the Bill would not apply much to small properties, for it would be out of the power of the owners to avail themselves of it. Such persons had very seldom got strictly marketable titles. Thus, in South Lancashire, what were called "leases for ever" were very common—that was, fee simple estates subject to a rent-charge; and sometimes there were rent-charges upon rent-charges to an almost infinite degree. How could such persons trace out and register the ramifications of their titles? When, too, it was remembered that the office was to be 200 miles off, the measure would be to all intents and purposes useless as regarded the northern counties. The hon. and learned Solicitor General had said, that professional men in the country usually employed London agents, who could make searches and inquiries, and transact business from the country for them in town; but, practically, this could not be done, because local and personal knowledge could not be transferred to strangers at a great distance, however able and skilful they might be in their general business, and who must entrust agency business like this to the management of their clerks and subordinates. It seemed to him that the measure would also multiply fraudulent transactions to an immense extent. Under the present system of conveyancing, few cases of fraud arose, whatever other inconveniences might arise. He would further remind the House that one of the greatest legal authorities in the land, Lord St. Leonards, had lately declared himself to be no friend to this kind of registration. The legal profession, generally speaking, were also opposed to it, not from the base and undeserved motives generally and maliciously ascribed to them, but because they honestly believed that it would increase, and not diminish professional charges and other expenses. The difficulties in the way of the measure were so numerous and serious, and the advantages likely to be derived from it so small, that he confessed he could not place any faith in the Bill.

MR. WALPOLE said, that the arguments which had been urged against the Bill by his hon. and learned Friend the Member for Wallingford—than whom no one was more competent to give an opinion on a question relating to the law of real property — were in his opinion (with respect be it spoken), so weak as to show that the objections were not very formidable. The objections which had been put forward by the hon. and learned Gentleman might be classed under two heads — firstly, that the granting of a judicial declaration of title to land was an entirely new proceeding in this country; secondly, that the Bill, if it were to pass into a law, would either be wholly inoperative or would apply only to cases in which its operation would be mischievous. Now, in answer to the first of those objections, he (Mr. Walpole) might state that the system of fine and non-claim, which was well known in our legal proceedings, amounted in effect to a judicial declaration of title, so that the Bill could not justly be said to introduce a principle which was perfectly novel. And with regard to the second objection, what, let him ask, would the new Court do when application was made to it for a declaration of title by a person who claimed to be owner in fee simple before it acceded to the request? It would do in substance that which was now done by the purchaser in his own behalf. It would appoint its own conveyancer and solicitor to examine whether a good title to the property in question existed; abstracts of title would be produced; objections would be taken, and, if they admitted of it, cleared up; and then, if the Court were satisfied with the result of the investigation, it would pronounce the title to be good. All that would take place under the operation of the Bill. Everybody who was conversant with the subject was aware that there was hardly an instance where the soundness of a title which had been carefully inquired into by an experienced conveyancer and solicitor, had afterwards turned out to be defective. The process which he had just described was that which was now gone through every day in a conveyancer's chambers, and why, he should like to know, was it to be supposed that because the same task was to be intrusted to the new Court — which it was but reasonable to expect would perform it with even greater care—the rights of individuals would be likely to be prejudiced? But his hon. and learned Friend had gone on to contend that the Bill would prove inoperative. Now, it was perfectly true that in those cases in which a person had a defective title, or one with respect to the validity of which he entertained some doubts, he would in all probability be unwilling to make application to the Court, unless he could clear up those doubts, and in cases where the estate was small, he would not probably go to the Court unless he had ulterior views. But if a person so situated wished to dispose of his property, the title to which could best be obtained in the operation of the Bill now under discussion, he would at once, as a matter of course, apply for a judicial investigation of title, and thus seek to clear the property, as far as he could, from any cloud which might rest upon it, and at the same time the purchaser would aid him, since he would desire to procure the registration of his own title in a simple form, so that the necessity for future expense in conveying the estate might be done away with. Such, in his opinion, would be the real operation of these two Bills, and although their action might not be of so extended a nature as was desirable, yet it would confer the great advantage of enabling a person to make and to keep his title clear when once a declaration of its soundness had been granted. But his hon. and learned Friend had referred, towards the close of his speech, to the cases of ships, stocks, and railway shares, and had asked how it could justly be maintained that there was so great a similarity—for nobody contended there was a perfect identity—between land and that class of property as to justify the House in dealing with both classes in the same way. Now, let him (Mr. Walpole) suppose that a colony was founded under the authority of the Crown; that funds were raised for its benefit, which constituted stock, by means of which its Government was to be carried on; that shares were taken by different individuals, who were desirous of constructing railways within it; that merchants went out and bought ships for the purpose of promoting its traffic; while others got allotments of lands, all having a joint interest in the welfare of the colony, which interest was represented under the terms "ships," "funds," "railways," "lands;" would it not be wise, he would ask, under those circumstances, to confer upon each of those classes the same benefit of being enabled to register their title to their property, and to hand it over without any of the complications which prevailed in regard to land in this country to anybody who might wish to purchase it from them. Would any one contend that these proprietors should be dealt with differently, and that the title to the one should be always simple, while the title to the other should require a history of sixty years to be read and studied before it could be accepted. As to the argument that land was made the subject of trusts or settlements, was charged with portions for younger children, was leased for mining purposes, and, therefore, ought not to be dealt with like any other species of property, he would only say that money in the Funds was liable to be made the subject of the same, or, at all events, very similar trusts and limitations. Why, then, should they ask for a greater security for those who possessed the beneficial interest in land than for those who had a beneficial interest in stock? The real truth was that in both cases the beneficial interest was kept behind, and the object of the Bill was not to deal with the beneficial interests, but to provide means for the purpose of dealing with land as with stock, without the necessity of giving a narrative of every birth that had occurred, of every settlement, mortgage, or charge that had been created during the past sixty years. If that were so, there could hardly be any doubt that it was for the advantage of the landed interest, as well as of those who desired to acquire land, not to continue a system which required a fresh investigation of title upon every occasion that the land was dealt with. He had not intended to enter upon a discussion of the Bill, but the objections raised by the hon. and learned Member for Wallingford, however injurious, were really so small in comparison with the advantages to be derived from the Bill that he had risen to express a hope that the House would not be carried away by the high authority even of his hon. and learned Friend, and reject one of the greatest improvements in respect to land, and the mode of dealing with it, that had been proposed during the past two centuries.

MR. DEASY said, the Bill designed that there should be a Court invested with powers for investigating cases of title, without extravagant expense, and possessing the power of giving to the purchaser what he might call a Parliamentary title. He entirely approved of the principle of the Bill. They had already had practical experience of its working in Ireland for the last ten years, where landed property of no less value than £21,000,000 had been transferred by a court similarly constituted; and so satisfied were they with the working of that court that last Session the House passed a Bill converting what was merely a temporary tribunal into a permanent institution. His only objection to the present measure was, that it did not follow out in *extenso* the principle of the measure passed last year. In that Act power was given to the incumbrancers upon land and to owners of land thus incumbered to apply to the Court to order a sale, and the Court was authorized to make such order. Those powers had been safely granted, but they were accompanied by two conditions—first, that a sale was indispensable, and, next that the Court ordering the sale should receive and distribute the money it would bring. Those powers had worked exceedingly well in Ireland, and it was to be regretted that they were not comprised in the present Bill. The sale gave notoriety to the application, and thus afforded notice to all parties interested, while the distribution of the fund by the Court enabled it to give compensation to any person who might be injured by the sale. He had not heard any reason why the principle they had established in perpetuity in Ireland should not be extended to England. He thought that there would be very few applications for the interference of the Court under the Act; and the applications that were made would be chiefly those for enabling parties to carry out contracts for sale. He repeated he did not understand why his hon. and learned Friend had not given the new Court the power and the right to distribute the purchase money. However he gave his hon. and learned Friend credit for what he had done, and thought that the Bill contained the germs of a great improvement in the transfer of real property, while perhaps under the circumstances his hon. and learned Friend had acted wisely in not going too far at first.

THE SOLICITOR GENERAL said, the hon. and learned Member for Wallingford (Mr. Malins) need not apologize for addressing the Committee upon a subject like the present, upon which he was so high an authority. He (the Solicitor General) thought it most desirable that not a single clause of the Bill should pass without discussion and careful consideration, but it was gratifying to find that, after bringing the weight of his great knowledge and experience to bear upon the Bill, his hon. and learned Friend could only make such minute criticisms, and suggest objections which were so easily answered. His hon. and learned Friend had made one mistake when he said that the Bill introduced a principle entirely new into our law, and that until the Irish Act of last year there had never been any judicial tribunal with power indefeasibly and at once to give a title to land for ever. The hon. and learned Gentleman must have forgotten the nature of the Incumbered Estates Act. No doubt, the primary object of that Act was to facilitate the sale of estates that were incumbered, but that which was incidental at first afterwards became a principle, and the Court was invested with power to pronounce at once and for ever whether a good title had been made. That principle was introduced ten years ago, had worked beneficially for that period, and could not be said now to be a novelty in legislation. His hon. and learned Friend said, "Look at the result of the Irish Bill of last year; by the Returns on the table it appears that only two applications up to the beginning of February had been made for an indefeasible title under that Act." But how did that happen? After the Act was passed the Court prescribed by it had to be constituted, and to frame rules for its guidance. Those rules were published at the beginning of November, and they had afterwards to be maturely considered by the professional gentlemen who would be required to act under them before they could be finally settled. So far, therefore, from feeling anything like disappointment that only two applications had been made to the Court up to the beginning of February, he (the Solicitor General) was surprised that in so short a space of time after its constitution even two cases had been prepared and brought under its jurisdiction. His hon. and learned Friend accused him of professing to found this measure upon the Report of the Commission, and at the same time of departing from it. When he (the Solicitor General) introduced the first measure, he stated that he founded it on the Report of the Commission, but, as he also proposed what was at variance with the recommendations of the Commission, he proposed the Bill for obtaining indefeasible titles to land, and the Bill for the Registry of Landed Estates, separately, as he had specified in recommending these measures to the House; but he did not lead the House to believe that where he differed from the Report of the Commission he had founded his course of proceeding on anything but the Irish measure. His hon. and learned Friend further said, the Bill would not apply to copyhold estates. He admitted it would not, and for the reason that with respect to copyholds there was already a system in operation which worked well with regard to small properties, and under which a kind of registry of title was established. His hon. and learned Friend also said the Bill did not apply to settled estates. But there he was under a mistake, for wherever there was a settled estate, and the trustees had power to sell, the Bill would enable those trustees to come before the Court and establish the title, and then, having done that, they might, by virtue of their power of sale, dispose of any part of the estate and give to the purchaser an indefeasible title. Again, his hon. and learned Friend—and this was one of his main objections—said the Bill would not apply to leaseholds. He (the Solicitor General) agreed with him in that and that the Irish Act did. He had thought it safer, in making a new experiment of such a nature in this country, to commence with the species of property held in fee simple; but if this measure should pass the Legislature, and prove to be successful, he trusted that at some future day some other person would propose in that House to extend its principle to leaseholds, by which an indefeasible title would also be given to that description of property. His hon. and learned Friend said—and he agreed with him—that the Committee ought to guard against the risk to which absent parties might be exposed under a Bill the object of which was to afford facilities for establishing an indefeasible title. He (the Solicitor General) was aware that was a matter which required careful consideration, and it had been so considered in framing the measure. He must, however, point out a little discrepancy between two of the arguments used by his hon. and learned Friend. His hon. and learned Friend said he had had a conversation with a most eminent conveyancer, to whom he had put the question, "How many titles have you been obliged to reject in cases of sale or mortgage on the ground of imperfection?" The conveyancer replied they were so few that he could scarcely recollect them. At all events, then, the Committee might take it on the authority of that eminent conveyancer that the instances in which a title was unsatisfactory in this country, where under the present system there were no means of publication as to what was being done with it, were so few that he could hardly name them. But under the present Bill there would be a better investigation of the title than by a conveyancer. The Court besides having the abstract of the deeds before it would be empowered to call for further information on oath wherever it might be necessary; the transaction would also be made the subject of advertisement, and a considerable space of time would be allowed to intervene before the title was finally declared to be good. The Court would have all those varied means and facilities for protecting the rights of absent parties; and there would be besides a provision in the Bill by which "a caution" might be placed on the books of the Court in behalf of any person who thought he had got so little interest in an estate that it might be overlooked or disregarded, requiring the Court to take notice of any application such a person might make with the view to the protection of his interests. With those safeguards, then, and having before them the experience furnished in Ireland during the last ten years, he thought the Committee might safely approach the consideration of this Bill undeterred by those apprehensions as to the rights of absent parties conjured up by his hon. and learned Friend. His hon. and learned Friend had cited a notable case in which, upon an attempted sale or transfer of land, an heir-at-law, who never dreamt he had any interest in the transaction, was asked to concur in the conveyance, whereupon, like a wise man, he inquired the reason why his consent should be necessary, and upon the matter being investigated in his interest the result was to show that he was the owner of the property. There was always something or other in the abstract of title produced on those occasions which showed that it was necessary to obtain the concurrence of some persons remotely or possibly interested in the land; and unless that concurrence was procured the purchase was not completed. But did any one suppose this Landed Estates Court would do less in cases of that kind to protect the interest of such persons than was now done in private by conveyancers and solicitors when dealing with titles? His hon. and learned Friend said it was vain ever to think of reducing land to the position of stock, and of transferring it with the same simple formalities, inasmuch as the two were essentially different. He (the Solicitor General) quite agreed there was an essential difference between land and stock, and between railway shares and land; but it was really mystifying and misleading the Committee to say that stock, unlike land, had no boundaries by which it could be defined and identified, and that £100 of one kind of stock was as good as £100 of another. The point for them to consider was—could not means be devised by which the title to a particular estate could be shown upon a register as easily as the title to a particular ship, or to £10,000 worth of stock, and by which, that having been done, a transfer might be as easily effected in one case as in the other? His hon. and learned Friend said an entry as to stock seemed plain enough on the register, but there were often behind numerous transactions affecting it which the register did not discover. He agreed with the fact but not with the result. His hon. and learned Friend made a mistake in the difference of the effect of a caution and an inhibition. He thought a caution would give notice of the deed. Now this was not the case. No one seeing the caution would be obliged to look at the deed at all. All he would have to say to the parties proposing to make a title was, "Take this caution off." A man who was proprietor of land subject to those cautions would not have to render an abstract, but merely prove that these cautions ought to be taken off, and the rest would be matter of arrangement between the proprietors of the soil and the intended purchaser. From the moment the cautions were taken off the land would be transferred, and at very little or no expense. He could not help thinking that his hon. and learned Friend (Mr. Malins) had allowed himself to be moved by arguments of terror. He had said that the man who had a flaw in his title would stand in an unpleasant position before this Court, if the Court refused him what he asked, because his title would be blown upon, and it would be known that it was a bad title. But at present if a man wished to sell an estate without a good title it would be rejected by a good conveyancer. It was true this was a private tribunal, but he might also have it rejected by the Court of Chancery, the most public tribunal in the country, for he was liable to be made a party to a suit for specific performance, and if the title were bad it was thus known that the title was one that could not be accepted. The practical answer to the objection, however, was that every person who had a flaw in his title was, if he chose, aware of it. He might, if he pleased, have it examined by the Court, and the Court might cure the defect if the owner were willing to pay a little money. It would be in the power of every person to make good a defect in his title, and he might then have a declaration from the Court that the defect in his title was cured. The great majority of titles were without flaws, and was a man who had a perfectly good title to be refused a declaration by the Court to that effect because some other person had a title that was bad? His hon. and learned Friend (Mr. Malins) said that owners of land must spend their lives in reading notices and advertisements in order to guard against any attempted sale of their property; but he had no doubt the necessary notices would always be brought home to the persons affected. If, however, from any circumstance a person believed that by accident there might be a sale of land in which he had an interest without his seeing the notice, he would be enabled by the registry to enter a caution against the sale, and would thus insure for himself, almost without expense, a notice of the sale. His hon. and learned Friend the Member for Newcastle (Mr. Headlam) had asked what he intended to do with property containing minerals, the fact being that in the northern district the title to the surface was in one man, and that to the minerals in another. The first duty of the Court would be to establish rules relative to the title under ground as well as above. If the title to the minerals were not made out, the Court would not give a certificate carrying minerals. The hon. Member for Sheffield (Mr. Hadfield) asked how it was proposed to deal with property in the counties of Lancashire and Yorkshire, much of which was liable to a small fee-farm rent, in fact a small annual sum payable by the purchaser to the vendor. Any person owning property of this description who come for a declaration of title would have to make a declaration that he was not the actual proprietor, but that the estate was subject to a fee-farm rent. The owner would thus get a security better than he would otherwise obtain, for it would be stated on the register that a fee-farm rent was payable on this land. The hon. Member (Mr. Hadfield) also stated that the members of the legal profession engaged in the conveyance of land were opposed to the Bill. He must differ with the hon. Gentleman on this point. He had received many communications from solicitors in different parts of the country very largely engaged in practice, and although one section of the profession had doubts about the Bill, and had published a paper which had no doubt found its way into the hands of hon. Members, yet a great number of solicitors of the greatest practice in conveyancing had expressed their approval of the measure. Upon this subject he might state that a deputation of the Incorporated Law Society, containing among them the most eminent solicitors in England, had waited upon him in regard to some of the clauses of the Bill. They stated, and they authorized him to repeat the statement in his place in the House of Commons, that their counsel had considered the Bill, and approved the general principles of the Bill. They also desired this to be known, that if the House of Commons thought that the policy of this Bill ought to be approved, they did not desire that any effect which the measure might have upon their professional emoluments should stand in the way of its adoption. He thought that this statement was in the highest degree creditable to those honourable and upright men. He would now ask permission to say a word relative to the payment of solicitors in a measure of this kind. Under the present system of real property law the only circumstance that had rendered practicable the large amount of transfer of land that went on was the very efficient, honourable, upright manner in which this branch of the law had been conducted, especially by the country solicitors. The integrity of these learned persons, and the reliance justly placed upon their conduct, had relieved the transfer of land from the difficulties which, great as they now were, would be tenfold if the business had fallen into hands less honourable and efficient than the solicitors who had the management of this branch of law. The Legislature had adopted the worst possible plan for the remuneration of solicitors, because it had afforded a motive—if they could be influenced by such a motive—to make the proceedings as cumbrous, as intricate, and as difficult as possible, by providing that the solicitors should be paid by the length and cumbrousness of their work. He should not be surprised if some objection were made by solicitors at an alteration which might affect their legitimate profits. They belonged to a class the maintenance of which was desirable and almost necessary for transacting the business of the country, and he should be sorry to think that a measure, however useful in other respects to the public, should be injurious to them. He believed that the increased business which would accrue if this Bill passed would fully compensate the solicitors for the want of that cumbrousness and length which might hitherto have made this business remunerative to them. More than this, however, he had provided that in the registry of land the business done by solicitors should be paid in future upon a scale of remuneration to be fixed by a proper authority on a principle more sound and safe than that hitherto adopted. In place of being paid by length, it might be desirable to provide that the remuneration should be *ad valorem.* This would be better both for the solicitor and the client, and it would get rid of that most unwise and injurious plan of paying for the conveyance of land which he had described. His hon. and learned Friend the Member for Cork (Mr. Serjeant Deasy) had expressed a wish that the Bill had been carried somewhat further, and that it had contained a power for the compulsory sale of land. He doubted whether such a clause would be accepted in this country. Under the improved practice of the Court of Chancery there was not wanted a speedy means of settling incumbered estates, as had been the case in Ireland. With reference to another observation of the hon. and learned Member for Cork, he had to state, that the Court to be established under this Bill would not pronounce any title to be indefeasible until a certain number of months should have elapsed, during which, any person who had a claim to make to the property in question, might make it. He had now gone through all the objections to the Bill. But there remained to be answered a prophecy rather than an argument, and that of course was a difficult matter to answer. The hon. and learned Member for Wallingford (Mr. Malins) and the hon. Member for Sheffield (Mr. Hadfield) had prophesied that people would not avail themselves of this measure, that very few persons would resort to the system to be established by it. If the question were whether his prophecy was to be put against that of his hon. and learned Friend's, then he should despair of succeeding in convincing the House that he was right and that they were wrong. Any one who had had slight experience in the world must know that many projects which appeared in the first instance to be hopeless and even objectionable, turned out in practice to be some of the most valuable laws which we possessed; and that, on the other hand, many undertakings, which at first looked exceedingly promising, turned out, when they came to be worked, to fall far short of the expectations formed of them. They could not in any way provide against such occurrences. But they could do this—they could find out what were the evils which they desired to remedy. They could consider and reflect upon what had been done in other places and at other times to remedy similar evils. They could carefully consider the objections which were raised to the project, and weigh those objections for the purpose of ascertaining whether they ought to be regarded as of so grave a nature as to defeat the project altogether, or whether they were such objections as could be met by a modification of the project. When they had done that he admitted to his hon. and learned Friend that — fallible and short-sighted as they were—they would not have secured success, but they would at all events have the satisfaction of knowing this, — that they were treading in that path which, upon former occasions, had led to most beneficial reforms.

Lord JOHN RUSSELL said, he wished to say a few words in reference to the latter part of the hon. and learned Gentleman's speech. He had expected that the hon. and learned Solicitor General would have answered what appeared to him to have resulted very much from the observations made on both sides of the question. The right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) the hon. and learned Member for Wallingford (Mr. Malins) and others had stated this to be the state of things with regard to the title to landed property ; that solicitors and conveyancers who were most conversant with this species of business were of opinion that in almost every case the titles that they examined were good, and it very seldom happened that a title which had been decided by a conveyancer to be a good title was afterwards called in question with success. But then the right hon. Gentleman went on to make an inference from that state of things which he (Lord John Russell) certainly should not have expected, because the right hon. Gentleman said that, if that was the fact, persons who were in possession of estates, or who wished to sell estates, would naturally and inevitably require a title from this new Court. Now, it appeared to him that the consequence would be very much the reverse. If the chances of a bad title were almost inappreciable, a person who had an estate and wished to sell it, would naturally say, "I shall obtain very little more security by going into this court." The intending purchaser also of the estate would be most probably told by the seller, "If you insist upon going into this court, you must do so at your own expense." He thought the consequence would be that instead of everybody going into this court the general case would be that persons would not have recourse to it at all, and would continue to deal with their titles as they had hitherto. If, then, that were the case it surely became of some importance for that House to deliberate well whether they should impose upon the country the expense of maintaining this new court, especially after the admission of the hon. and learned Solicitor General that the whole of the future with reference to this project was uncertain. He found by the second part of the Bill that it would establish a new court consisting of two Judges —one at £3000 a year and the other at £2,500 a year—that there would be clerks at £1,000 a year, and some secretaries with £300 a year. It might happen that there would not be business enough to occupy the Court. Besides, this Bill would add another evil, and that one of the greatest, to the existing evils connected with the administration of our laws. He referred to the variety and conflict of jurisdictions. They had heard much of late of attempts to remedy that state of things; and with that view extended powers had been given to the Court of Chancery and to the superior Courts of common law. But here they seemed to be proceeding in another direction, and to be establishing a new court, which should have its own rules and to which persons would have to resort instead of to the ordinary Courts of law. The hon. and learned Solicitor General would perhaps explain on some future occasion why the court should be instituted. He did not say that this Court might not have a great deal of business to do, nor that if the powers to be given by it were confided to the Judges of some of the existing courts, and it should be found in three or four years that the business created by it was so great that it was absolutely necessary to establish a new court, the Attorney or Solicitor General might not fairly come to Parliament to ask its sanction for the establishment of such a court. The Committee should recollect that pensions would have to be given to the Judges and officers of this court if it should be found advisable to put an end to it, owing to a want of business.

THE SOLICITOR GENERAL said, his apology for not answering the question of the noble Lord was that he really could not have anticipated it. He had endeavoured in the few observations he had made simply to answer the objections made to the Bill and it did not occur to him to anticipate what might be the view taken of the Bill by the noble Lord. The noble Lord said, in the first place, it appeared that in this country it was a rare thing for a title which had once passed through a conveyancer's hands to be afterwards impeached, and that the result of that would probably be that, even if you established a Court with power to investigate titles, few persons would resort to it. But he was sure the noble Lord had not examined what were the irksomeness and inconveniences of the present system with regard to titles to land. He (the Solicitor General), of course, did not mean to deny that at a certain expense and after a certain delay, you could sell and purchase landed property. That was merely a question of a certain number of months and a certain number of pounds of expense. But the great evil was that after all that was undergone you had not advanced one step if you wished to have further dealings with your estate. If you wanted to borrow money on your title the next month, if you wanted to sell again, if you had trustees and they had to sell for you the same delay and the same expense must be gone over again, and that would have to be repeated as often as the estate happened to be transferred. Nay, more; several estates were sold in lots for building purposes; if you sold your estate in 50 or 100 lots, every purchaser was entitled to an abstract of your title. The expense was frequently so considerable that persons were deterred from selling their estates in lots. Whatever was thus paid was deducted from the value of the estate, and it mattered little who paid it, whether the purchaser or the seller. That was the reason that titles were generally good, and that upon the payment of a certain sum of money in the shape of law fees the intending purchaser was satisfied with the title. The difficulty had been felt in Ireland to such an extent that it was proved that many persons in that country had placed fictitious burdens upon their estates, to enable them to go into the Incumbered Estates Court and to get a Parliamentary title. Again, the noble Lord thought it was not necessary, at all events in the first instance, to establish a new court for the purpose of carrying the principle of this measure into effect. On introducing the measure he (the Solicitor General) had ventured to explain the reasons which led the Government to propose the establishment of a new Court, and which was simply this,—that the business to be done by this Court was wholly different from the business of any Court in this country. The Judges of the Court of Chancery were certainly too much occupied from morning till night in deciding cases between plaintiffs and defendants to undertake the business that would arise under this Bill. A Judge of the Court of Chancery could not shut himself in his room to read an abstract, which was what the Judges of this new Court would have to do if Parliament passed the Bill. In Ireland it had been proposed to give the power of examining the titles to land to the Court of Chancery; the question was investigated by a Committee of the House, which after hearing the evidence, decided unanimously, or nearly so, that this business could not be imposed on the Chancery Court. Therefore, they must either say there should be no Court at all or a new Court must be created. Though it would have two Judges, yet they would not be required to perform ordinary judicial duties, hearing arguments and evidence and deciding upon them as between the litigant parties. They would be Judges investigating titles, like conveyancers. Judicial conveyancers would be a more correct description of them,—examining the titles they were about to pronounce indefeasible; seeing that they were, in the language of conveyancing, "good titles." The measure was, to a certain extent, an experiment, and it could only be tried by means of a Court of this description. The salaries of the Judges were not disproportionately large, having regard to the class of men qualified to discharge the duties. The amount must be such as would induce good conveyancers to relinquish their practice to take the office.

Sir ERSKINE PERRY said, he had sat on the Committee to which the hon. and learned Solicitor General had referred, and he could therefore explain the reason why it was thought inexpedient to transfer the jurisdiction of the Irish Incumbered Estates Court to the Chancery Court. That conclusion was arrived at after most ample discussion, and in opposition to the views both of the late, and of the present Attorney General for Ireland. It was clearly perceived that the safe operation of the Court depended entirely on the mode and accuracy with which the investigation of titles was conducted; now to perform such duties well required the special knowledge of a conveyancer, which constituted a science in itself, and one with which the most eminent Equity Judges were frequently not conversant. The Master of the Rolls, one of the highest authorities upon such a subject, had admitted that even he should feel himself incompetent to discharge those duties. That being so, if the transfer had been made to the Court of Chancery, the Judges would have been compelled to delegate the performance of these duties to conveyancers, or, in other words, to irresponsible individuals. As a practical reformer he highly approved of the proposed Bill as a whole; not only for its immediate objects, but because it provided for a procedure of an admirable description—one that he would call philosophical. All law reforms during this century, and since the period when Bentham first began to write, had mainly for object the simplication of law procedure, for the purpose of enabling the suitor to bring before the Judge the subject of controversy in the simplest, the speediest, and most economical form consistent with justice. But the Incumbered Estates Court Judges in Ireland had framed their rules of procedure entirely on such a system, and, in point of fact, they formed a model for any other Court. And he trusted that with the transference of Judge Hargreave to the new Court to be established in England, the same simple system would be established here. As to the Court not finding sufficient business to employ its time for the first three or four years, that might be easily provided for by commencing with appointment of one Judge only. But there was one defect in the Bill. It conferred great benefits on the landed interest, but did not hold out sufficient public advantages. Landed proprietors would undoubtedly be able to transfer their estates by a species of state conveyancing, and to facilitate the speedy transfer of land he did not at all grudge the boon to the landed interest. But why should not creditors who had lent their money on land, and who had obtained the power to sell, be enabled to apply to the Court for a judicial title, so as to enable them to realize on their securities the highest marketable price? If this were not provided for it would seem fair that the landed interest, who alone received benefits, should alone pay the expenses of the Court, and that they should not be made a charge upon the public.

MR. MALINS said, the right hon. Memer for Cambridge University (Mr. Walpole) had characterized his argument against the establishment of the proposed Court as "weak." If there were any weakness apparent in it, that weakness was fully compensated by the strong words used in the Report of the Committee that sat upon this subject in 1856, of which Committee the r'ht hon. Member was himself Chairman. That Report stated that the Committee

> "Had come to a conclusion adverse to the creation of a tribunal with the power of deciding on titles to land. The object might be good where estates were much embarrassed, but the same principle was hardly applicable in another state of society, in which there was not the same necessity of a change of ownership."

It objected, also, to the want of proper provision for the protection of beneficial interests and trusts, which would not be protected against wrongful acts by registered owners. The right hon. Gentleman said, the principle of the Court was as old as the system of fine and nonclaim; but why go back to a system which had been abolished in the time of William IV., because of its injustice? In the event of such a Court being established, however, he agreed with the last speaker as to the duties of those who would necessarily preside, and he approved of the amended title, "judicial conveyancers," given to them by the hon. and learned Solicitor General. He, however, disapproved now, as he had always done, of the extensive powers proposed to be given to those judicial conveyancers. Let them report that a good title existed; let that report, however, not preclude any person who could prove the conveyancer wrong from appealing to a superior jurisdiction, and let the Court guarantee that title to a purchaser. But let not the conveyancer, as it was proposed he should do, decide in favour of the present against the absent, for it would be impossible to fathom the noxious results of such a system. With respect to the theory advanced by the right hon. Member for Cambridge University, as to the probable proceedings of colonists, they would, no doubt, become as desirous as their forefathers of providing for their posterity. Settlements would, as a matter of course, be made, and all the peculiarities of our legal system would, as a natural consequence, result; the theory of the right hon. Member, therefore, was not tenable in the slightest degree. The Irish Incumbered Estates Court had been much eulogised, and it had been said that that Court had committed no errors. Errors of this kind, however, did not disclose themselves at once, and that Court had been established only seven years. What might the next seven bring forth? Seven years was a very short time by which to test the utility of an establishment which had to deal with such a question as the title to land. He believed it impossible that the two or three Irish Commissioners presiding over that Court could personally, without the assistance of conveyancers, have investigated the number of titles that had passed through their hands. They were not to assume, because many mistakes had not yet been discovered in the working of the system in Ireland, that they ought to decide against persons in their absence, or against the rights of the unborn and unknown. He could not acquiesce in the practical utility of the proposed system of "cautions" or "inhibitions" which the Solicitor General had promulgated. As illustrations of the imperfections of the system, he might suggest the following instances:—A B registers an estate on the 1st of Janury, 1860, as owner; he could then sell that estate; a month afterwards, C D puts a caution or inhibition upon the register. "Then," said the Solicitor General, "you must get C D to withdraw it." But if C D put it there, he would not withdraw it merely upon being asked to do so; he put it there because he had some interest in the land, and would not remove it unless his claim was satisfied. [SOLICITOR GENERAL: Hear, hear!] That claim would have to be investigated. Other cautions might follow, rendering necessary further investigation, and though you might commence with a simple title, the multiplicity of cautions that might follow, would render the system impracticable. Again, every man before he took so important a step as the purchase of an estate, consulted his legal adviser, and certainly, before he moved the machinery of such a Court as that proposed, he would equally consult his solicitor to advise him upon the title of the estate—a title to which he proposed to obtain from the Court—and so he would have to go through the same course before he went to the Court that the Court would have to go through afterwards. On the whole, he felt convinced the measure would not answer the expectations of his hon. and learned Friend the Solicitor General (Sir H. Cairns). He would, however, conclude by withdrawing his Motion.

MR. CARDWELL said, that if the ancient strongholds of English law in regard to conveyancing could be sustained, he was sure that they would be by the persevering zeal of the hon. and learned Member for Wallingford. One would imagine from the observations of the hon. and learned Member that settlements and family dispositions were wholly unknown in the case of stock in the funds and personal property; but so far was that from being the fact, that all those provisions for a man's wife and family, the importance of which the hon. and learned Gentleman urged with so much eloquence, were made every day by means of funded property, unincumbered by any of those difficulties which had rendered the law of landed property in this country a byword and a reproach. The transfer of funded property was effected with ease and the question was whether the same principles could not be applied to land. It was said, indeed, that there was a difference in the nature of the property, but a further question then arose, whether that was a sufficient answer. They had the advantage of experience on the subject. For ten years there had been in operation a Court which had dealt with landed property with signal success upon the same principle which applied to funded property, and although the hon. and learned Gentleman said that it had been in operation for too short a period to be conclusive in its results, it had, at all events, led to more than £20,000,000 being invested in the purchase of land, a channel into which money could not formerly find its way, owing to the complexity of the details, and the general difficulty of the subject. The establishment of that Court had done more almost than any Act of Parliament which had been passed in our time for the regeneration of society in Ireland; and that was his answer, founded upon practical experience, to the technical difficulties raised by the hon. and learned Gentleman. Then, with respect to mortgages and those charges which were supposed to attach only to land, and which were to be the subject of caveat; it was now about five years since a system had been adopted with respect to ships, involving remarkable minuteness, owing to charges of this kind—and property in ships could now be conveyed, ships could be mortgaged, and even migratory powers of mortgaging could be given. This also had been long enough in practice to afford evidence of its beneficial working, and he contended, therefore, that both reason and experience vindicated the change which was now proposed. It had been asked what necessity there was for resorting to a Court of Record when a man could always clear his title. The answer was obvious. When a man had once gone to the expense and labour of clearing his title he did not desire to go to that expense again for another cause. If a person had a large estate, and was desirous of selling it in small portions, it might be essential for carrying on that operation, where the title was once cleared, to have some public record of the fact, because the expense of doing it in each case might be so great as to be prohibitory. Again, there was a growing and very natural desire among all persons in this country who by industry and economy amassed a little money, to invest their savings in actual landed property, and land could not be set free for the purpose of those small investments until some means were established by which, like funded and other property, it might pass easily from hand to hand. The right hon. and learned Gentleman the Member for Cambridge University had given an illustration from the Colonies, upon which the hon. and learned Member for Wallingford remarked, "But suppose the colonists say, 'We will have settlements and arrangements like those of the mother country, and therefore we will return to the old system of conveyancing.'" He (Mr. Cardwell) had no doubt that they would have settlements in every British colony, but he believed that they would be made in the same way with regard to land as in the case of stock in the funds. That colony would certainly be a curiosity in history which should carry its loyalty and love of the institutions of the mother country so far as not to be satisfied without adopting all the perplexities and embarrassments which were associated with landed property in this country. He (Mr. Cardwell) shared in the universal applause which had been bestowed upon the hon. and learned Solicitor General for this measure, and he cordially congratulated him on having had the privilege of introducing to the House of Commons what he believed would be one of the greatest and most beneficial changes ever made in the law of this country.

Clauses 1 to 3 *agreed to.*

In reply to Mr. Hadfield,

The SOLICITOR GENERAL said, he did not propose to proceed any further that evening, either with that Bill or the next on the paper, than the first Clause that involved the principle of the measure.

House resumed.

Committee report progress.

SUPPLY.—NAVY ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. W. WILLIAMS said, he rose to move that these Estimates be referred to a Select Committee. He wished to advert for a moment to the cause of the merriment which he had created the other night, no doubt by his being too late to get to his place. The House was so full that there was no seat vacant. He had consequently to go into the gallery. He hastened down when the House went into Committee; but being unable to find a seat, he attempted to address them from another part of the House, which he understood was contrary to etiquette. He thought that a very strong case for granting the Committee for which he moved had been made out by the noble Lord the Member for Sandwich (Lord C. Paget) when he said that, out of an expenditure of £19,000,000 in eleven years there was a sum of £5,000,000 which could not be accounted for. The First Lord of the Admiralty had said that he would lay papers on the table giving an account of the expenditure or waste of the £5,000,000. He (Mr. W. Williams) had no doubt of the right hon. Gentleman's ability to do so, for it had never been suggested that the money had been disposed of in any dishonest or dishonourable way. He had gone through the Estimates since 1816, and found that since that period the astonishing sum of £281,000,000 had been voted for the navy, or, with the additional Votes, nearly £300,000,000; and yet now they were told that they had only twenty-nine efficient ships of the line, and that their navy was inferior to that of France. This arose from great neglect and mismanagement in naval affairs. There could be no proper investigation of these Estimates in a Committee of the whole House, for the Votes were passed so rapidly that there was hardly time to turn from one Vote to another before they were passed. The other night, when the House went into Committee, he went to fetch his copy of the Estimates, and before he returned, in about a minute, four important Votes were passed; and upon one of them he had intended to take the opinion of the Committee. On the other hand, a Select Committee could deliberately investigate the Votes. He did not intend the Committee to be appointed in the usual way—in which case the Government would of course have a majority in it—but to be selected by the Speaker, and to consist of only five Members. Such a Committee as he proposed could finish their labours in ten or twelve days, so that there would be no delay in considering the Estimates. The right hon. Baronet the First Lord of the Admiralty had made an able speech on the subject of the Navy Estimates, but without being acquainted with all the facts, and had obtained his information from various departments where the red tape system more or less prevailed. These Estimates were double what they were in former years. When the right hon. Member for Carlisle (Sir James Graham) was at the head of the Admiralty he reduced the Estimates to £4,500,000, without impairing the efficiency of the navy. The expenditure remained at that point for about seven years, but it had gradually increased since, and the Estimates for the present year amounted to the enormous sum of £9,800,000 odd, exclusive of an addition of something like £1,000,000 for the proposed increase of the navy. It was admitted that the French had as large a navy as we had, and yet their Estimates last year amounted to little more than £5,000,000. He found from the report of the auditors of public accounts that there was an expenditure of 800,000 more than was voted, and that in the case of stores there was an expenditure of £600,000 more than was voted. If the House would not inquire into this useless and wasteful expenditure, it was useless to bring them forward in separate Votes. The economists of the House were charged with the dilapidated state of the navy, but he did not think that during the last twenty years there had been any Motion to reduce one man from the Estimates proposed by the Government, or a reduction of 1*s.* in their pay. The Estimates that had been voted from time to time by the House were sufficient to secure the most efficient navy in the world. During the time of the right hon. Baronet the Member for Carlisle at the Admiralty stock was taken of the various stores and materials in our dockyards, which ought to be done annually, and this tended to a reduction in the Estimates, and prevented useless accumulation. It had been stated that several ships were waiting to be manned, and yet last year the House had voted 59,380 men, and this ought to have equipped an efficient Channel fleet. He (Mr. W. Williams) had been told by an eminent naval officer that one great cause of the want of men was the system of flogging which still prevailed in the navy. The right hon. Gentleman had stated that there was a deficiency in the lower class of officers, such as mates and midshipmen; but looking at the higher class of officers in the navy, he found that there were 341 Admirals on pay, or rather more than one Admiral and a half to every ship and cockboat afloat; whereas in 1846-7 there were only 153 Admirals; in 1851-2, 232; and, in 1857-8, 316 Admirals; which caused an increase in the list of half pay to £55,000. When the right hon. Baronet the Member for Carlisle was First Lord of the Admiralty there were two Generals of Marines and six Colonels of Marines, costing £4,740; now there were thirty-four Generals of Marines and ten Colonels, all sinecures, and costing £24,000 a year. Of the Admirals, he believed that not more than four or five of them were commanding, and others held comfortable sinecures as Port Admirals. The House ought to insist on the Navy Estimates being placed on the table at the commencement of the Session, and at once referred to a Committee. There should be a fair Committee of Inquiry into the whole structure and management of this voracious department of the public service. Had this system of referring the Estimates to a Committee been adopted many millions of money would have been saved since the termination of the French war.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Navy Estimates be referred to a Select Committee," instead thereof.

Sir HARRY VERNEY seconded the Motion, and said, that never since he had had a seat in that House had he heard such an account given of the navy, and it was a matter of the deepest regret, if not of shame, to find that our navy had been reduced to such a state as that which had been described. The right hon. Gentleman had objected to lay on the table an estimate of the future repairs and public works for each year, but was there any objection to doing the same as regarded the past? It would very much facilitate the performance of the duties of the House, in giving them an accurate account of the various sums that had been expended. The right hon. Gentleman had shown the wretched condition of our navy, and especially of our dockyards; but when he took office he struck out of the Estimates 1,300 men that had been placed there by his predecessors, and now he came forward and complained of a want of men and of want of efficiency in our navy. He (the hon. Member) would support the proposal for a Committee. It was not against the Admiralty, or its representatives past or present, but against the system that he supported the Motion.

Sir HENRY WILLOUGHBY said, he was very much disposed to concur with the hon. Member for Lambeth (Mr. Williams). At the same time he thought the inquiry as proposed would be rather too extensive, and that it should be confined to the salient points, and one of these points to which inquiry should be directed was, the extraordinary and unsatisfactory manner in which the Estimates were prepared and laid before the House. A Vote was taken the other night irregularly in the middle of the Army Estimates of £133,000 for an excess of expenditure in 1857-8; but was the House aware that in that year there was an expenditure over the amount of money granted by the House to the extent of £790,000? The sum granted was £9,172,000, and the sum spent was £9,962,000. It was clear that Her Majesty's present Government had nothing to do with these expenses, but he did feel surprised that some of the items had not appeared in the accounts for the year 1858-9. Of course emergencies would arise, and he was not the person to quarrel with the fair discretion of the Executive; but this House had nothing to do with the Executive. All it had to do was first to vote the money, and next to see that it was properly applied. That was the true function of the House, and it should never allow that duty to be mixed up with the duties of the Executive. But he would ask the House to look at Vote No. 10—"Naval stores for the building, repair, and outfit of the fleet," and observe what had taken place under that heading in the course of the last six years. They now talked of the extremely dilapidated state of the fleet, yet during the six years the House of Commons had voted for naval stores alone not less a sum of money than £13,587,000. So far as voting the money was concerned, no doubt this House had done its duty; but where he must say it had been lax was, that after voting the money it had not looked sufficiently close to see how it had been applied. What was really wanted was that a little more confidence should be reposed in the House on the part of the Executive. They should let it know what was required to be done, and what they proposed doing, and then come down the next year and show that they had done it. He was quite sure that if a Committee were appointed who directed their attention to the question of how the Estimates should be prepared, they might render inestimable service. And he thought that the recommendation which had been made, and which had been alluded to this evening, that the Speaker should nominate a Committee at the beginning of every Session, was a very good one. That Committee might prepare their report, and on the question that it be now received, a financial debate might at once ensue. Such an arrangement would, in his opinion, be a very good check, and conduce to a wise economy. He was the last man to attempt to starve the public service, but he had a strong conviction that there had been a considerable waste of the public money in all departments, but more especially in the department of the navy.

Mr. LINDSAY said, that if the hon. Member for Lambeth had moved for a Committee to inquire into the naval expenditure in the dockyards he should have voted with him. He could not, however, support the present Motion for referring the Naval Estimates to a Committee, because that would be to take the responsibility of the Estimates from the Executive, upon whom it ought to rest.

Colonel SYKES said, that the people of this country were lavish in their expenditure to support the natural defence of the country—the navy—in the most efficient manner, but they expected that the money which was voted for the purpose should be expended in the most efficient way. By the accounts which he held in his hand he found that the amount voted for the navy in 1835 was £4,245,718, manned by 26,500 seamen, and that for every successive year there had been a gradual increase, until for the present year it had risen to £9,839,859, or more than 100 per cent, with 48,000 seamen. Of course the country expected that there had been a proportionate increase in the force, in the number of men and the number of ships. Let them see if that were so. In 1848 the expenditure had increased from £4,245,000, in 1835, to £7,764,020; the number of seamen was 40,500; the ships of the line built were, none; converted, none—total, none. Frigates built, 1; corvettes, 2; tenders, 1, total—4. The next year the number of seamen voted was 42,000; ships of the line built, none; converted, none—total, again none. Frigates built, 2; corvettes, 4; tenders, 1—total, 7. The following year the Vote was £6,833,747, and the number of seamen was 40,000; ships of the line built, none; converted, none — total, again none. Here, then, were three successive years during which there was not a single case of increase in the ships of the line, either built or converted, or addition made to the weight of metal and strength of the navy. Well, did facts like this demand inquiry or did they not? No doubt the money had been spent; but the question was, had it been spent to the most advantage for the country? The first year in the period to which he had referred, that a ship had been built at all, was in 1851, but he believed that even that was a "convert." Still it was an addition of one ship of the line. In 1852 there were two ships of the line built; in 1853 six were converted; and in 1854 five; but in neither year was there an absolute increase. In short, it was not until the year 1854 that any great increase took place in the numerical force of the navy. Then four gun-boats were built, and thirty-eight purchased; and in 1856 eight gun-boats were built, and 100 purchased, but no ships of the line were built, and only two converted. The navy began then to cut a figure in numbers, but not in power. Such craft would not do for a Channel fleet; and the result was, that after doubling the Estimates, we were at this moment destitute of a sufficient Channel fleet, and yet it is to be supposed that the Navy of England in 1835, costing only £4,245,718, was deemed capable of protecting the honour of England.

ADMIRAL WALCOTT: I entertain a very decided objection to a proposition which would refer the Naval Estimates to a Select Committee, because it would remove from the Executive power a responsibility which, I believe, it is most important to retain and enforce. If there be one man who would rejoice more than another, if the accounts for buildings and repairs of ships were so submitted, it is the present Surveyor of the Navy. For commanding ability and untiring zeal no officer more efficient could be found, and, I must say, his position requires that he should occupy a permanent seat at the Board of Admiralty. At no time could any argument, even on the plea of additional expense, be alleged against such an appointment; at the present moment, one most worthy of consideration, when the construction of ships, so as to ensure the highest qualities of speed under sail or canvass, was of the utmost national importance, and every first-rate ship cost between £200,000 and £300,000. While I give full credit to my noble and gallant Relative (Lord C. Paget) for the highest motives, I would divest both him and hon. Members of some wrong impressions conveyed in his speech on the 11th instant. The noble Admiral referred to the instance of the *San Fiorenzo* frigate, and the First Lord of the Admiralty declared his ignorance of her very existence. He might well say as much, for there never was such a vessel; she was, indeed, laid down as a sailing ship, and it was found advisable to discontinue further building in that character, and her scantling being found unequal for a screw, her conversion into a steamer was impracticable, the portions which had been framed were carefully taken to pieces, and employed in building a sloop-of-war. Some amusement was also at the same time created by a remark of a similar kind, with regard to the lengthening of the *Immortalité*, which conveyed an impression that the ship had been sawn in sunder to admit of the process, whereas it actually occurred when only her keel and ribs were in frame. The addition of fifteen feet was made in the length of her bow at the cost in labour work of about £200; and I would ask what is such an inconsiderable sum when the beauty and efficiency of such a ship is at stake? My noble and gallant Relative alluded to the expansion of another vessel, from 450 to 750 tons. Let me ask, could any improvidence be greater than rigid adherence to certain lines of construction, which the advance of science demonstrated to be ill designed? The Surveyor of the Navy would have been unworthy of his position had he neglected to advise the Admiralty that the change was indispensable. The ship, therefore, certainly grew, but the enlargement was productive of no loss, and was that which alone rendered her valuable to the country. Comment has been made by the hon. Member for Lambeth, that there is a very large number of admirals, captains, and commanders, on the Navy List, whilst, to my regret, the First Lord of the Admiralty informed us that there was a deficiency of mates and midshipmen. The number of admirals was the inevitable consequences of the protracted war, which lasted with scarce intermission from 1794 to 1815; at one period there was 965 vessels wearing the Royal Pennant, which the return of peace reduced to about 200; the officers whose services were no longer required were sent on shore, and this country continues to support them. It is a debt of honour contracted by the nation which every year diminishes, and the cold hand of death will entirely cancel. The House will pardon me if I remind hon. Members that in my person is felt the hardship of removal to the Reserved List; for a period of thirty years my untiring efforts for active service, with offers to undertake any description of service of command or station, were all to no purpose, while by favour or interest the same officers were constantly re-appointed to command, a system injurious in effect to the country, and a death-blow to the hopes of the most enterprising and ardent spirit, displacing a large number of naval officers from serving at sea. Sir, it is under this chilling award that the whole service languishes, gallant men fret and chafe under this injustice, every door of advancement is closed upon them; they are condemned to inactivity on shore, while their hearts burn to serve their country afloat, and they learn with sorrow, and might I not add indignation, that this their heavy misfortune is visited upon them as if it were a crime. No man, Sir, can exceed me in a heartfelt desire to see the navy raised to the highest state of efficiency; but let me observe that in achieving an object so important, no language should be permitted which conveys acute sorrow to the breasts of those men who jeopardize their lives and fortunes to uphold the honour of that profession, the compulsory deprivation from whose service is a pang which will go down with them to the grave.

SIR FRANCIS BARING said, no man was more desirous than he was of exerting an effectual supervision over the public expenditure, and he thought it very important that there should be an inquiry, but it was impossible for him to vote for the Motion of the hon. Member for Lambeth, because he did not think it advisable to transfer the consideration of the Estimates from the House to a Select Committee. He thought the preferable course was that the Estimates should be brought forward and discussed in the House under the superintendence of the Government. He deemed this course the more advisable on the present occasion because time was pressing, and as they heard statements which were not of a very comfortable nature, he thought the House of Commons ought at once to give the Executive Government the supplies which would enable them to proceed with such preparations as upon their responsibility they might deem necessary for the defence of the country. With regard to inquiry, he had no doubt they would ultimately have one. Some hon. Gentlemen demanded an investigation on the part of the country, but in his opinion another strong reason for inquiry was that accusations had been made that evening against different members of successive Boards of Admiralty. It was impossible that all those gentlemen could enter upon their defence on that occasion, but he thought that in justice to Sir Baldwin Walker, and others whose conduct has been impugned, an opportunity for a searching inquiry into the truth of the accusations ought to be afforded. He had no doubt it could readily be shown that there was the greatest misunderstanding with regard to some of those accusations. A charge had been made against him that he had not ordered the building of steam line-of-battle ships when in office. That subject was carefully considered by the Committee of 1848, and if the Report of that Committee were referred to it would be found that at that time we had four block-ships and were considerably in advance of France with regard to a steam navy, but it was also shown that, in consequence of the scientific improvements which were constantly made, the probability was that if a screw line-of-battle ship were then built, she would before long be perfectly useless. Under these circumstances, it was thought advisable, in consonance with the advice of nearly every witness examined before the Committee whose opinion was worth having, not to proceed too rapidly at that time with the building of large screw ships for the navy. One was built by way of experiment — the *Sanspareil*—and, he believed, did not turn out very fortunately. As an instance of the changes which took place, he might state it was stated in evidence in 1848 that scientific men had come to the conclusion that it was advisable to have full lines for screw ships, while it was found practically that fine lines were absolutely necessary ; so that if the original opinion had been acted upon, they would have had screw line-of-battle ships which would have proved totally inefficient. When it became necessary he had proceeded to build screw line-of-battle ships, and he did not think the acts of the Admiralty, of which he was a member, had in this respect been unfortunate in their results. The first line-of-battle ship they built was the *Agamemnon*, and he believed it would be admitted by naval officers that she had not proved a bad ship. A great deal of ridicule had been thrown upon the "conversion" of ships. He would mention an instance of what had happened when he was at the Admiralty. A ship was laid down called the *Windsor Castle*, which was intended to be a sailing vessel, but when it was seen that screw ships were superseding sailing ships, it was determined to endeavour to turn her into a screw ship. The *Windsor Castle* was accordingly cut in two, and many hon. Members would remember the ridicule with which the Board of Admiralty were covered for their decision, which was pronounced by the newspapers to be foolish and absurd. Well, the *Windsor Castle* was launched on the very day upon which the Duke of Wellington died, and her Majesty was pleased to direct that her name should be changed to that of the *Duke of Wellington*, and the *Windsor Castle*, about which so much ridicule was thrown upon the Admiralty, was now the *Duke of Wellington*, one of the best ships, he believed, in Her Majesty's Navy. He did not suppose he would now be told that the Board of Admiralty had acted unwisely because, instead of building a sailing ship, which would have been useless, they had, at an expense he believed of about £12,000, converted the sailing ship into one of the largest and best screw ships in the navy. He had seen articles in the public journals in which the writers blessed their stars that there were no longer at the head of the Admiralty persons who cut ships in two, while they were quite ignorant that the *Duke of Wellington* was the very ship respecting which the Board of which he was a member had been so unsparingly ridiculed.

MR. BENTINCK said, he thought the remarks which had fallen from the right hon. Baronet were most valuable with regard to the expediency of going into Committee. But he wished to set himself right with the House on one point. He had always argued, and he thought justly—[An hon. MEMBER: Hear, hear!]—he thanked his hon. Friend for that cheer—that the present constitution of the Admiralty required great alteration. But, having made that statement, he would add that he thought no course could be adopted by the House more prejudicial than that suggested by the hon. Member for Lambeth. He could see nothing calculated to be more detrimental to the well-being of the country than the appointment of a Committee—even were that Committee presided over by the hon. Member for Lambeth—and he hoped the House would negative the proposal in so decided a manner as that on future occasions such Motions would not be interposed to delay the business of the country.

LORD HARRY VANE said, he rose to express a hope that it would not be considered that those hon. Gentlemen who dissented from the views of the hon. Member for Lambeth did not therefore entertain a desire for inquiry on the subject of the navy. He believed it was undeniable that the statements which had recently been made on the subject of the navy had produced an extraordinary effect upon the public mind, and his decided opinion was, that it was absolutely essential that the public feeling should be satisfied by means of an inquiry. He thought it absolutely necessary that the present, or any other Government, should consent to such an investigation; but at the same time he conceived that it would be highly injurious to the interests of the navy and of the country if the Executive were allowed to divest themselves of responsibility, and to throw it upon a Committee, which was the course proposed by the hon. Member for Lambeth.

LORD CLARENCE PAGET said, he wished to protest against the idea that he had, either directly or indirectly, intended to attack an old and valued friend and brother officer, Sir Baldwin Walker. So far from considering that Sir Baldwin Walker was responsible for the shortcomings to which he had called the attention of the House, he believed he was wholly irresponsible for them; but, at the same time, he (Lord C. Paget) would not hesitate for a moment to find fault with Sir Baldwin Walker, were he his best friend, merely because he was not a Member of that House, if he considered that his public acts exposed him to criticism. His (Lord C. Paget's) remarks had been addressed to the First Lords of the Admiralty and to other hon. Members of that House who were, or had been, officially connected with the Admiralty. The Chancellor of the Exchequer had stated on a former occasion that Sir Baldwin Walker was not interfered with, but that he was regarded as an almost supreme director with respect to ship-building. He (Lord C. Paget) could inform the House, however, that so completely had Sir Baldwin Walker been in the hands of the Lords of the Admiralty, that, until within a very short period, he had not been empowered to give an order for the alteration of ships in the dockyards, even in the slightest degree. It was therefore impossible that he could have applied his observations to Sir Baldwin Walker.

SIR JOHN PAKINGTON: Sir, I hope the House will think the view taken by my hon. Friend (Mr. Bentinck) and by the right hon. Baronet (Sir Francis Baring) a sound one, and will not accede to the Motion. I hope also that the House will not forget what has fallen from the right hon. Baronet with regard to that noble and magnificent ship the *Duke of Wellington*. Those remarks were most apposite to the present occasion; and when we hear charges made—whether against Sir Baldwin Walker, or against the Admiralty—of reckless and extravagant expenditure because certain ships have been altered, let us bear in mind the testimony of so competent a witness as is the right hon. Baronet to the fact that these alterations have in some signal instances tended to the public service and have given us some of the finest ships we possess. I shall not detain the House by discussing at any length the Motion of the hon. Member, but I think it will be admitted that the speech in which that Motion was introduced was one of a very discursive character. In the first place the hon. Member stated that I had admitted the existence of great mal-administration in the dockyards. [Mr. WILLIAMS: Hear!] Now, I beg to say that I never admitted anything of the sort, and I was not at the time in a position to make such a statement. What I said was, that on taking office I found a gigantic expenditure going on in the dockyards; that I did not feel satisfied that the public had their money's worth; that I thought it my duty to endeavour to ascertain if such were the case, and that I therefore appointed a Committee of Inquiry. I may add, that that Committee have most diligently attended to their duties for the last six months, and that their investigation has been of the most minute character. I am now awaiting their Report, and I am informed meanwhile by the Chairman that he believes their recommendations will tend to promote both efficiency and economy; but I never stated—and I should have been acting very unjustly if I had stated—that I had satisfied myself of the existence of any mal-administration in our dockyards. Then the hon. Member informed us that since the great war with France £300,000,000 have been spent in our dockyards. Why not go back to the time of the Commonwealth? Why not tell us how much has been spent since the days of Oliver Cromwell? I am certainly not in a position to say what the expenditure on the navy has been during the period to which the hon. Gentleman has referred, but this I can say that such statements, whether true or untrue, have really no bearing upon the question now before the House, which is, whether the Estimates for 1859-60 shall be referred to the consideration of a Committee. The reference made to the Motion of the noble and gallant Lord (Lord C. Paget) was equally inapposite. The hon. Gentleman dragged in that Motion as a reason for the inquiry now suggested. Why it has nothing to do with the question. Let me here remind the hon. Member, who may not have been in the House at the time, that I this evening gave notice of my intention to wait for no Committee of Inquiry on the subject of the noble Lord's Motion; that in justice to the building department of the Board of Admiralty, as well as to past Boards of Admiralty for the last eleven years, I intend shortly to lay upon the table a full statement of the appropriation of the moneys which have been voted by this House during the last eleven years for dockyard purposes; and that that statement will contain the greatest amount of detail which the office of the Surveyor of the navy can supply. That is the effect of the notice which I gave to-night, not out of the slightest discourtesy to the noble Lord, but simply that justice may be done to those who have been gravely attacked by him. I believe it will be shown that the noble Lord is mistaken in saying that there is a balance of £5,000,000 unaccounted for, and I am also ready to state that the noble Lord has been misinformed in what fell from him as to particular ships. This is not the right moment to revive the subject, but I am sure nobody will be more satisfied than the noble Lord himself to learn that he is in error on these points. I repeat, however, that his statements afford no ground for the Motion of the hon. Member (Mr. Williams). The hon. Baronet who seconded this Motion (Sir Harry Verney), has asked whether I have any objection to furnish retrospective information. If I remember rightly, when I replied to the noble Lord I stated that the form which he suggested could not be complied with, and that his proposal for information should rather have a retrospective than a prospective bearing. I will not commit myself to any promise, but I can assure the House that I do not wish for concealment, that I have no objection to furnish information, and I think I have proved on previous occasions that I have no such objection, provided only that the inquiry is so shaped as not to impede or injure the public service. I must now glance at one or two remarks of the hon. Baronet the Member for Evesham (Sir Henry Willoughby.) My hon. Friend alluded to a supplementary Estimate which I proposed the other night, and stated that that Estimate had been taken in a very irregular manner in the middle of the Army Estimates. Let me remind him, however, that that supplementary Estimate was taken after full and ample notice given in the usual way, and that it therefore came on in a strictly regular manner. My hon. Friend went on to say that that Vote of £133,000 ought to have appeared in the Estimates for 1858-9; but it was part of the expenditure of 1857-8, and could not therefore have appeared in the Estimates of 1858-9. The hon. and gallant Member (Colonel Sykes) represents me as having said that we were destitute of a Channel Fleet. Now I never said anything of the sort; on the contrary, I have exerted myself, not I hope without some success, to establish a Channel Fleet; and the hon. and gallant Member must, therefore, have entirely misunderstood me. But the question before the House is, are we or are we not to appoint a Select Committee? I earnestly hope that the House will reject the Motion of the hon. Gentleman, for I believe that if acceded to it will tend to the injury of the public service. I repeat that I have no objection to any investigation which is consistent with the public interests; but when hon. Gentlemen are pressing for inquiry, I hope they will recollect that I am going to present a Report bearing on the statements of the noble Member for Sandwich (Lord C. Paget.) On this point I appeal more especially to the right hon. Baronet (Sir Francis Baring) who has himself held office at the Admiralty, to consider whether, at a moment of unusual pressure and of unusual exertion there, it is possible to institute such an inquiry as he has suggested, without so burdening the Department as to render it very difficult to carry on the business of the country. At this moment every nerve is strained almost beyond its power; it is difficult for the existing establishment to perform the duties which press upon them; and, considering the great amount of additional work which has now to be performed, I do hope the House will pause before it further taxes the Department to provide the means of carrying on the inquiry proposed.

MR. BERNAL OSBORNE said, he hoped the hon. Member for Lambeth would not press his Motion to a division, as there seemed to be a general feeling that it would be inexpedient to refer those Estimates to a Select Committee. He would not go into details on the subject; but after the serious charges which had been brought by no common Member of the House, but by an admiral of great distinction in Her Majesty's service—one not only distinguished on his own element, but having peculiar opportunities of knowing all the arcana connected with ship-building—when that Member got up in the House and accused a Department of having wasted £5,000,000 of money of which there was no account, he thought it could hardly be expected that that House would be content with the offer of the right hon. Gentleman. He knew that he, as one of its Members, and having been connected with a former Board of Admiralty, should not be content by the offer of settling the question by producing a paper of accounts. However inconvenient it might be for the Admiralty to have the time of their clerks taken up by an inquiry, he considered that that Department had been so damaged by the statement of an Admiral — one, too, who had possessed rare opportunities of knowing all the peculiarities of ship-building—that the House was bound to appoint a Committee to inquire into the circumstances; and he (Mr. Osborne) for one should not be satisfied—inasmuch as he disputed the noble Lord's figures, challenged his facts, and dissented from his conclusions — he should not be satisfied unless he had an opportunity of showing before the Committee how very badly that gallant Admiral had been informed, and that however great he might be on the water, he was a very lame duck on the land. He would not take up the time of the House by going on this occasion into the gallant Admiral's figures; the time would arrive for this. He would only give an instance to show how possible it was for even the frankness of an Admiral to lead away the House by a clap-trap assertion. The noble Lord cited the case of the *Immortalité*, and the expense of lengthening her by 14 feet, as constituting one of the particulars in his list of charges with reference to the squandering of £5,000,000 of money. But would the House believe that the extra expense thus incurred was in reality somewhat under £200? He could also account pretty satisfactorily for the case of the *San Fiorenzo*, were it not that he was unwilling to weary the House by entering into details at that moment. He entreated the House, however, to grant the inquiry for which he asked into the shipbuilding expenditure in our navy, and he pledged himself, should it do so, to controvert the statements which had been made by the gallant Admiral. However great the inconvenience to the Admiralty might be—and he admitted it would be great—the inconvenience was greater that a statement damaging to the efficiency of a Department should remain uncontradicted; and neither the House nor the country would be satisfied unless there was an inquiry into the ship-building department and expenditure.

SIR CHARLES NAPIER said, he was of opinion that a Committee should, both in justice to the noble Lord the Member for Sandwich, (Lord C. Paget) as well as to the Admiralty, be appointed, and he might also observe that, as a notice of Motion for inquiring into the state of the Navy stood upon the Paper for Thursday next in the name of the hon. Member for Newport, the hon. Member for Lambeth had better not press his Motion that evening. As an instance of the mismanagement which prevailed at the Admiralty, he might mention that shortly before his right hon. Friend near him (Sir Charles Wood) left that department he had ordered efficient vessels to be placed at different ports. The captain of the *Duke of Wellington* had accordingly been ordered to put her in commission for that purpose, while directions had been issued that the *St. Vincent* was to be paid off; but the moment, however, the succeeding Board of Admiralty had come into office the order had been countermanded.

MR. JACKSON said, his experience as a shipowner led him to the conclusion that the hon. Member for Dovor (Mr. B. Osborne) must be labouring under a mistake if he supposed the *Immortalité* could have been lengthened 14 feet at a cost of £200. Indeed, if a cipher were added to the figures he thought they would be nearer the mark. But be that as it might, it was, he thought, absolutely necessary that steps should be taken to inquire into the expenditure of the money under the control of the Admiralty. One circumstance had come within his own knowledge which tended to show how essential it was that such investigation should take place—he alluded to the cost and quality of the anchors which were employed by that department. The subject was one into which a Committee had been appointed to inquire, and eight different qualities of anchors had been tested, the worst being that which had been found to be used by the Admiralty. But not only was that the case, but the cost of the Admiralty anchors was 75*s.* per cwt., while the cost of Trotman's, which were the best quality of anchor, was only 35*s.* per cwt. Now, if that were a fair specimen of the way in which things were managed in the navy it was no wonder that the expenses in connection with it were greatly and to no good purposes increased. He was therefore prepared to maintain that his noble Friend the Member for Sandwich, having brought forward the charges which he had made, was bound to substantiate them, and ought to have the opportunity of doing so afforded him. There had been an inquiry into the system of army contracts, and an investigation into the affairs of the Admiralty might also bring its Weedons to light. The country, at all events, was determined that the public money should be properly laid out, that it should receive 20*s.* worth for every sovereign which was voted by Parliament, and that no Government should be suffered to exist which did not render a just and accurate account of the national expenditure. He should, under those circumstances, recommend the hon. Member for Lambeth to withdraw his Motion.

SIR CHARLES WOOD said, he fully agreed that the Amendment was not convenient at this period. But he rose to offer an observation or two. The last speaker had expressed his conviction from his experience as a shipowner that the lengthening of the *Immortalité* by 14 feet must have cost more than £200. [An Hon. MEMBER: He said £2,000.] The hon. Member must admit that the cost must depend on the state of the vessel at the time of the alteration. He (Sir Charles Wood) was responsible for that lengthening of the *Immortalité.* The ship was simply in frame at the time the alteration was determined on. It was necessary merely to unfasten a few bolts, to put in new bow timbers, and to move the stem a few feet forward. The alteration was very simple, and the cost very small. Last Friday night he asked the Surveyor of the Navy what was the cost of the alteration, and on Saturday morning he was assured that the cost, being for labour only or for labour mainly, could not by any possibility have exceeded £200.

Question "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

DESTRUCTION OF THE 26TH NATIVE INFANTRY—OBSERVATIONS.

MR. GILPIN said, he rose, pursuant to notice, to call the attention of the House to the destruction of the 26th Native Infantry at Ujnalla on the 1st of August, 1857, as detailed in a work entitled *The Crisis in the Punjab*, by Frederick Cooper, Esq., Deputy Commissioner of Umritzur. In calling their attention to the massacre of those unhappy men, he (Mr. Gilpin) believed that he was calling attention to almost the very blackest page in the emphatically black book of the Indian rebellion. He was as unwilling as any hon. Member to call in question the conduct of any absent man, or to pass a condemnation upon an individual who had not had an opportunity of speaking for himself; but in this case there would be, he believed, no dispute as to the facts, because he intended to confine his account of this terrible affair to the report which appeared in Mr. Cooper's own book. He might say by way of preface that it was not now his intention to call in question the conduct of any of the Military authorities, or remarking on a Military execution. As a civilian he was about to call in question the acts of a civilian, as an Englishman he felt himself called upon to blush for the shame which had been brought upon the character of his country. He had just received a long letter, dated from the United Service Club, from a gentleman who appeared to think that he was going to find fault with the doings of the military in India; but he did not feel himself competent, and it was not his intention to undertake any task of the kind. In order that there might be no mistake he repeated that he would quote as briefly as he could from Mr. Cooper's own account, in order that he might not be accused of misrepresenting circumstances which he regarded as atrocious, but which Mr. Cooper justified, and not only justified, he had placed himself at the bar of public opinion, jauntily claiming for his acts the approbation of the public and the sacred sanction of the Highest. The regiment to whose annihilation he was calling attention had, according to Mr. Cooper, "served with great distinction at Arracan, Cabul, Moodkee, Ferozeshah, and Sobraon, and was disarmed at Lahore on May 1st.1857." The men of this regiment were disarmed in the month of May, 1857. He did not find that they had previously been charged with any overt act of rebellion. The disarmament had taken place, as he understood, as a measure of precaution, and in the then state of India he had no complaint to make of such an act. They fled from their cantonments on the 21st of July, after having killed two of their officers. They had themselves, however, been first fired upon by the Sikhs levies. They were, as he understood, engaged at that time in cooking a meal; a storm of dust arose which darkened the light of the sun, and under these circumstances the Sikhs fired on the regiment amounting to upwards of 500 men. Two officers, one of them a Major Spencer, a man he believed of unusual humanity, and the other a sergeant-major, had rushed in among the Sepoys, who supposed they were in some way connected with the firing, and who then killed them. It was not wonderful that such a panic had arisen among the Sepoys; and Mr. Cooper mentioned in his book cases of panics having taken place among the English during the rebellion. The murderer of Major Spencer was well known. He (Mr. Gilpin) respectfully asked the attention of the House to that fact. Mr. Cooper gave his name, and stated that he was a fanatic. The regiment, consisting of 500, fled; they were first of all attacked by the Sikh villagers, who were, as it were, natural enemies of the Sepoys; and those villagers were further stimulated by the promise of large rewards for the bodies of the Sepoys, dead or alive. The result was that 150 of the fugitives were destroyed by the villagers, and the remainder of the body escaped across the river to an island, to which they were pursued by Mr. Cooper with a very inferior force. Under the impression, if not with the promise, of a fair trial, they gave themselves up without any resistance, as many as sixty-six stalwart Sepoys having allowed their hands to be tied by a single man. Without a trial of any kind 237 of them were shot by the direction of Mr. Cooper, forty-five were stifled, 41 were subsequently blown from guns; and thus within forty-eight hours 500 human beings, without any trial, were ruthlessly and mercilessly butchered. Those were the facts he had to lay before the House; and he believed he could prove that they had taken place from Mr. Cooper's own book. According to the narrative of that Gentleman:

> "The 26th Native Infantry, stationed under surveillance at Mecan Meer, was disarmed on the 13th of May last. Whether there had been any preconcerted scheme among the disarmed regiments for a general attempt to escape from their unpleasant position, is not known; though it has been generally understood that lots had actually been drawn, and that had the 26th succeeded in any measure the 16th Grenadiers had engaged to follow in their wake. Some say that the noonday gun was to be the signal of a general rise. Society, on the 30th of July, was, however, shocked to hear of another foul murder of a commanding officer, Major Spencer, and the rise of the 26th regiment. Lieutenant Montague White narrowly escaped. He was enticed into the lines by some Sepoys, who affected sorrow at the murder, and was about to dismount, when a warning voice in his ear told him to beware. He galloped off; but not before some hand had aimed a felon stroke at him, and wounded his horse. The sergeant-major was also killed, and the regiment precipitately fled; a dust-storm (as was the case at Jullundur when the mutiny arose) raging at the time, favouring their immediate escape, and concealing its exact direction. They were not, however, unmolested; and it is feared that the ardour of the Sikh levies, in firing when the first outbreak occurred, precipitated the murders and frightened all, good, bad, or indifferently disposed, to flight, From subsequent

statements, since taken down, it is concurrently admitted that a fanatic of the name of Prakash Singh, *alias* Prakash Pandy, rushed out of his hut brandishing a sword, and bawling out to his comrades to rise and kill the Feringees, selected as his own victim the kind-hearted Major." . . . "Another panic arose at Anarkullee, and the thundering of cannon at Meean Meer into the then empty lines of the fugitives spread the utmost alarm. It was taken for granted that the fugitives must flee southwards, and accordingly Captain Blagrave proceeded with a strong party from Lahore to the Hurriki ghât (near to which Sobraon was fought): and from Umritzur was detached in the same direction, a force (150 Punjab Infantry and some Tawana Horse) under Lieutenant Boswell, a rough and ready soldier, superior to all hardships. They had to march in a drenching rain, the country nearly flooded. Sanguine hopes warmed their hearts amid the wretched weather. But, alas for their hopes! Intelligence reached the Deputy Commissioner that the mutineers had made almost due north; perhaps in hopes of getting to Cashmere, perhaps to try their luck, and by preconcerted plan to run the gauntlet of those districts in which Hindostanee regiments, some with arms, some without arms, still existed. Suffice it to say, that it was reported at midday, on the 31st of July, that they were trying to skirt the left bank of the Ravee, but had met with unexpected and determined opposition from the Tehseeldar, with a posse of police, aided by a swarm of sturdy villagers at a ghât twenty-six miles from the station. A rapid pursuit was at once organized. At four o'clock, when the district officer arrived with some eighty or ninety horsemen, he found a great struggle had taken place: the gore, the marks of the trampling of hundreds of feet, and the broken banks of the river, which, augmented with the late rains, was sweeping in a vast volume, all testified to it. Some 150 had been shot, mobbed back into the river and drowned inevitably, too weakened and famished as they must have been after their forty miles' flight to battle with the flood. The main body had fled upwards and swum over on pieces of wood, or floated on to an island about a mile from the shore, where they might be descried crouching like a brood of wild fowl. It remained to capture this body, and, having done so, to execute condign punishment at once." . . . . "There were but two boats, both ricketty, and the boatmen unskilled. The presence of a good number of Hindostanees among the sowars might lead to embarrassment and 'accidental' escapes. The point was first how to cross this large body to the main land, if they allowed themselves to be captured at all (after the model of the fox, the geese, and the peck of oats). This was not to be done under two or three trips, without leaving two-thirds of the mutineers on the island, under too scanty a protection, and able to escape, while the first batch was being conveyed to the main bank; nor also without launching the first batch, when they did arrive, into the jaws of the Hindostanee party, who in the first trip were to be left ostensibly 'to take care of the horses' on the main land. From the desperate conflict which had already taken place, a considerable struggle was anticipated before these plans could be brought into operation. The translation of the above fable to the aged Sikh Sirdar, who accompanied, and to the other heads of the pursuing party, caused intense mirth, and the plan of operations after this formula elicited general approval. So the boats put off with about thirty sowars (dismounted of course) in high spirits; most of the Hindostanee sowars being left on the bank. The boats straggled a little, but managed to reach the island in about twenty minutes. It was a long inhospitable patch, with tall grass; a most undesirable place to bivouac on for the night, with a rising tide; especially if wet, dispirited, hungry, without food, fire, or dry clothing. The sun was setting in golden splendour, and as the doomed men with joined palms crowded down to the shore on the approach of the boats, one side of which bristled with about sixty muskets, besides sundry revolvers and pistols, their long shadows were flung far athwart the gleaming waters. In utter despair forty or fifty dashed into the stream and disappeared, rose at a distance, and were borne away into the increasing gloom. Some thirty or forty sowars with matchlocks (subsequently discovered to be of very precarious value) jumped into shallow water, and invested the lower side of the island, and being seen on the point of taking pot-shots at the heads of the swimmers, orders were given 'not to fire.' This accidental instruction produced an instantaneous effect on the mutineers. They evidently were possessed of a sudden and insane idea that they were going to be tried by court-martial, after some luxurious refreshment. In consequence of which sixty-six stalwart Sepoys submitted to be bound by a single man deputed for the purpose from the boats, and stacked liked slaves in a hold into one of the two boats emptied for the purpose. Leaving some forty armed sowars on the island, and feeling certain that after the peaceful submission of the first batch (or peck of oats) the rest would follow suit and suit, orders were given to push off. On reaching the shore, one by one, as they stepped out of the boats, all were tightly bound; their decorations and necklaces ignominiously cut off; and under a guard of a posse of villagers, who had begun to assemble, and some Sikh Horse, they were ordered to proceed slowly on their journey back, six miles to the police-station at Ujnalla. Meanwhile the Hindostanees (the geese) had been despatched to the island back in the boats with an overawing number of Tawana sowars; and it was gratifying to see the next detachment put off safely; though at one time the escorting boat got at a great distance from the escorted, and fears were entertained that escape had been premeditated. However, by dint of hallowing, with threats of a volley of musketry, the next invoice came safely to land, and were subjected to the same process of spoliation, disrobement and pinioning. At any moment, had they made an attempt to escape, a bloody struggle must have ensued. But Providence ordered otherwise, and nothing on the side of the pursuing party seemed to go wrong. Some begged that their women and children might be spared, and were informed that the British Government did not condescend to war with women and children. The last batch having arrived, the long, straggling party were safely, but slowly, escorted back to the police-station, almost all the road being knee-deep in water. Even this accident, by making the ground so heavy—not to mention the gracious moon, which came out through the clouds and reflected herself in myriad pools and streams, as if to light the prisoners to their fate—aided in preventing a single escape. It was near midnight before all were safely lodged in the police station. A drizling rain coming on prevented the commencement of the execution; so a rest until daybreak was announced. Before dawn another batch of sixty-six was brought in, and as the police station was then nearly full, they were ushered into a large round tower or bastion. Previously to his departure with the pursuing party from Umritzur, the Deputy Commissioner had ordered out a large supply of rope, in case the numbers captured were few enough for hanging (trees being scarce), and also a reserve of fifty Sikh levies for a firing party, in case of the numbers demanding wholesale execution, as also to be of use as a reserve in case of a fight on the island. So eager were the Sikhs that they marched straight on end, and he met them half-way, twenty-three miles between the river and the police station, on his journey back in charge of the prisoners, the total number of which when the execution commenced amounted to 282 of all ranks, besides numbers of camp followers, who were left to be taken care of by the villagers. As fortune would have it, again favouring audacity, a deep dry well was discovered within 100 yards of the police station, and its presence furnished a convenient solution as to the one remaining difficulty which was of a sanitary consideration—the disposal of the corpses of the dishonoured soldiers. The climax of fortunate coincidences seemed to have arrived when it was remembered that the 1st of August was the anniversary of the great Mahomedan sacrificial festival of the Bukra Eed. A capital excuse was thus afforded to permit the Hindostanee Mussulman horsemen to return to celebrate it at Umritzur, while the single Christian, unembarrassed by their presence, and aided by the faithful Sikhs, might perform a ceremonial sacrifice of a different nature (and the nature of which they had not been made aware of) on the same morrow. When that morrow dawned sentries were placed round the town to prevent the egress of sightseers. The officials were called; and they were made aware of the character of the spectacle they were about to witness.''

Mr. Cooper, it would be observed, called himself "the single Christian." He (Mr. Gilpin) would ask the House to look at the representative of Christianity as described by himself. Mr. Cooper went on to say,—

"Ten by ten the Sepoys were called forth. Their names having been taken down in succession, they were pinioned, linked together, and marched to execution; a firing party being in readiness. Every phase of deportment was manifested by the doomed men, after the sullen firing of volleys of distant musketry forced the conviction of inevitable death; astonishment, rage, frantic despair, the most stoic calmness. One detachment, as they passed, yelled to the solitary Anglo-Saxon magistrate, as he sat under the shade of the police station performing his solemn duty, with his Native officials around him, that he, the Christian, would meet the same fate; then, as they passed the reserve of young Sikh soldiery who were to relieve the executioners after a certain period, they danced, though pinioned, insulted the Sikh religion, and called on Gungajee to aid them; but they only in one instance provoked a reply, which was instantaneously checked. Others again petitioned to be allowed to make one last 'salaam' to the Sahib. About 150 having been thus executed, one of the executioners swooned away (he was the oldest of the firing party), and a little respite was allowed. Then proceeding, the number had arrived at 237, when the district officer was informed that the remainder refused to come out of the bastion, where they had been imprisoned temporarily a few hours before. Expecting a rush and resistance, preparations were made against escape; but little expectation was entertained of the real and awful fate which had fallen on the remainder of the mutineers; they had anticipated, by a few, short hours their doom. The doors were opened, and, behold! they were nearly all dead! Unconsciously, the tragedy of Holwell's Black-hole had been re-enacted. No cries had been heard during the night, in consequence of the hubbub, tumult, and shouting of the crowds of horsemen, police, tehseel guards, and excited villagers. Forty-five bodies, dead from fright, exhaustion, fatigue, heat, and partial suffocation, were dragged into light, and consigned, in common with all other bodies, into one common pit, by the hands of the village sweepers. One Sepoy only was too much wounded in the conflict to suffer the agony of being taken to the scene of execution. He was accordingly reprieved for Queen's evidence, and forwarded to Lahore, with some forty-one subsequent captures, from Umritzur. There, in full parade before the other mutinously disposed regiments at Meean Meer, they all suffered death by being blown away from the cannon's mouth. The execution at Ujnalla commenced at daybreak, and the stern spectacle was over in a few hours. Thus, within forty-eight hours from the date of the crime, there fell by the law nearly 500 men."

That was the statement he (Mr. Gilpin) had wished to bring before the House, and he thought it was one which would thrill the heart of every hon. Member who heard it. He knew in the army the punishment for mutiny was death—a severe punishment, no doubt. He had spoken to not a few military men on the subject of this massacre — men who had seen a great amount of service, and whom he knew to be devoid of all cruelty, for the very reason that they were brave. One of them, a distinguished Polish officer, had written to him thus:—

"The execution of the 26th, as detailed by Mr. Cooper, is truly such a cannibal affair that I am relieved to find that it was not a military man who commanded the massacre. Such a deed would stain the escutcheon of any civilized army in the world with indelible disgrace. Taking the facts upon the perpetrator's own showing, the wholesale murder was wholly unnecessary, inhuman, and unjustifiable. I say this as a military man."

There had been a recent war, in which rebellion and mutiny on the part of soldiers had occurred. In January, 1848, some soldiers in Hungary mutinied, cut their major to pieces, and threw his mutilated corpse to the dogs. After a trial a court-martial pardoned the men and ordered three officers to be shot. In the late war in Hungary, where the passions were inflamed to a terrible extent, and where as many atrocities were committed by the Austrians as had been committed by the Sepoys, a Wallachian regiment also broke out into passive mutiny. The regiment was brought to court-martial, who ordered them to be decimated, and one in ten to be shot. It was easy to see what Mr. Cooper would have done; he would have shot them all. When the decimation was about to be made, an officer arrived from the general, with a free pardon. These men remained brave and faithful throughout the war. Sir F. Currie, late Deputy Chairman of the Board of Directors and now a member of the Council of India, spoke of this act as a "cruel massacre." He never heard of Mr. Cooper's name until his book was put into his hands. He now took his leave of him, recommending him before he left India to build a pyramid of human skulls in imitation of Tamerlane, and then, remembering his constant reference to Providence and his inclination to ascribe such events to Providence, he would no doubt inscribe upon the ghastly structure *Non nobis Domine*. He could not believe that the approval of Sir John Lawrence, as conveyed in the following letter, had been given to Mr. Cooper with a knowledge of all the facts of the case:—

"Lahore, August 2, 1857.

"My dear Cooper,—I congratulate you on your success against the 26th Native Infantry. You and your police acted with much energy and spirit, and deserve well of the State. I trust the fate of these Sepoys will operate as a warning to others. Every effort should be exerted to glean up all who are yet at large.

"Roberts will, no doubt, leave the distribution of the rewards mainly to you. Pray see that they are allotted with due regard to merit, and that every one gets what is intended for him. Yours sincerely, "JOHN LAWRENCE."

"Frederick Cooper, Esq., D.C., Umritzur."

Another letter he had read with deep pain, for he felt that if a man who could write such a letter represented the British power in India, it ceased to be a matter of wonder that there should be a rebellion there. It was rather a subject of wonder that rebellion should ever abate. Mr. Robert Montgomery, Judicial Commissioner for the Punjab, wrote to Mr. Cooper as follows:—

"Sunday, 9 A.M.

"My dear Cooper,—All honour to you for what you have done, and right well you did it. There was no hesitation or delay, or drawing back. It will be a feather to your cap as long as you live. [It must be a bloody feather.]

"Get out of the wounded man all you can and send him to Lahore, that he may himself proclaim what has been done. The people will not otherwise believe it.

"Better write an official report, and place the whole on record. Bring forward all persons who did well. Do this judiciously. I mean discriminate between the medium, the good, and the super-excellent.

"*Primâ facie*, the Tehseeldar deserves apparently great praise. Were they baulked in getting the boats, and how? Had the Tehseel people knowledge that the 26th Native Infantry had broken out, or did they first ascertain it on seeing them?

"You will have abundant money to reward all, and the (executioners) Sikhs should have a good round sum given to them.

"I congratulate you very heartily on your success. There will be some stragglers; have them all picked up, and any you get send us now. You have had slaughter enough. We want a few for the troops here, and also for evidence. Believe me, yours sincerely, "R. MONTGOMERY."

"F. Cooper, Esq., D.C."

"P.S. The other three regiments here were very shaky yesterday, but I hardly think they will now go. I wish they would, as they are a nuisance; and not a man would escape if they do.—R. M."

Now, if there was any meaning in language, Mr. Montgomery wished that 2,000 men would mutiny and fly, in order that he and his soldiers should have an opportunity of butchering them. His friends said that these atrocities were exceptional cases, and he had been asked, "Why bring them forward?" A noble Lord, not a Member of that House, but who had had much to do with India, had asked, "Why not let them rest?" and added, that the less said about them the better. But had they the power of commanding that an act of this kind should be buried in oblivion? It was written with a pen of iron upon the rock, and they could not bury the remembrance of such acts if they would. They ought to learn a lesson from these deeds. It was not that he claimed a character for humanity above that of other hon. Members; but he appealed to the Government, represented by the noble Lord, whose head and heart were so full of Indian concerns, for an emphatic declaration that he had no sympathy with such atrocities, and such a declaration on the noble Lord's own part and that of the Government would do more to consolidate Her Majesty's power in India than a large addition to her troops. These 500 Sepoys relied for their safeguard on British honour. They might have resisted, but they believed they were promised a fair trial. They trusted to the honour of England, and they were deceived; and he called upon the noble Lord to say that such deception would receive no apology from him and those who acted with him. The House and the country felt just now a great interest in missions and in education for India, but one such atrocity as this would do more to excite burning hatred to our power and to our faith, everything multiplied a hundred fold, than the missionaries could eradicate in the next century. A throne could not be permanently established on injustice, nor could authority be perpetrated by wrong, and it was his earnest desire that the rule of our Queen should be in the hearts of her subjects in India as in England. He knew that the noble Lord the President of the Council for India and the Right hon. Gentleman (Mr. Vernon Smith) the late President of the Board of Control, would with himself deprecate such atrocities as those he had condemned, and desire with him that the throne of the Queen should be established on justice, and her power directed by the principles of truth, mercy, and humanity.

General THOMPSON had been much conversant with public assemblies, and had been used to boast to himself that he could follow any man. But he could not follow the speech they had just heard, or add a word that would not weaken the effect of the statement their pacific Friend had made. He could not add to the colouring, but he might make some naked addition to the facts. Neither he nor his hon. Friend was present in India at these scenes; he wished they had, because then they could offer themselves as evidence. But the public papers would enable the House to form a judgment, and he would appeal to them as the best and only evidence they had. He gathered from them what had not been mentioned—namely, that this regiment had been disarmed, and it was boasted that any of the men who in small bodies attempted to escape were destroyed by the hostile population. Orders were despatched that these men should be sent off in small bodies, to take the fate it had been boasted must befall them. He did not blame the Governor General, and he did not blame the Indian Government; for neither Queen, nor Parliament, nor Governor General ruled in India, but the race of abandoned men who had usurped the powers of them all, and left upon record the blackest page that history could produce. No act of Pagan or mediæval times could match it. He was once present where an armed populace broke in, and proposed to slaughter some prisoners—at Buenos Ayres—of whom he was one. A quartermaster of Horse Artillery of the name of Hay—perhaps he was still alive—drew his sword, and cried —"Let us have one tussle for our lives!" That was what these Sepoys had done. They seized brickbats, staves, and such instruments as were within the reach of disarmed men, and tried their chance. It was what you, Mr. Speaker, would have done, and I, and every soul that hears me. They had therefore one tussle, and then came the massacre. He was ashamed of being an Englishman, and being obliged to own himself this man's countryman. The men were endeavouring to save their lives by the only means in their power, when the Sikhs were set to murder them. They had been subjected previously to every kind of insult. A low reprobate, writing to the public prints about the Sepoys, said — "We have great fun in making faces at the Sepoys, and throwing things into their lines." Throwing things into their lines, meant throwing carrion and things supposed to convey ceremonial pollution. He (General Thompson) never knew an Irishman who was afraid to speak the truth when appealed to; and he would now ask every Irishman in the House whether, if the Connaught Rangers had been in the position these Sepoys were, they would not have done the same; and then he would turn to the Scotch Members and ask them if they believed the 42nd would not have done so too. One chance there was. He had stood up in that House to speak of the murder under trust, of the Princes of Delhi. He had since fallen in with a glimpse of hope —a glimpse only, but which might at some time be valuable to the country — that the unhappy man who with his own hand had done that horrible deed, was labouring under that heaviest dispensation of Providence, constitutional insanity. He hoped the same might prove the case with the man who had inflicted this other deep dishonour on his country. It was a charitable hope, and he wished it might be fulfilled; for England, the world, and mankind, would be rid of a stigma, if it could be proved that this wretch—for so he could not but in conscience call him—had acted under a disease which made him free from moral responsibility. He could not believe that any man in that House would defend this horrible massacre. There was a massacre once which the world had never ceased to talk of—the massacre of St. Bartholomew. And there was a Frenchman and Catholic, who, when the order to continue that massacre was sent to him, replied, "Your Majesty has here brave soldiers, faithful subjects, but not one executioner." He (General Thompson), wished that a little of that spirit had been manifested in India. He wished it the more because he had worn epaulettes, and they had been worn by executioners. May I (continued the hon. and gallant General) make a clean breast of it? You, Sir, did me the honour of inviting me to your hospitalities. It would have been grief and pain to me to do anything that could be construed into insensibility to your kindness. But I could not don epaulettes that had been worn by hangmen. A beggar came to Mr. Wilberforce's door, and was given some remnants of vermicelli soup. The man said, "Indeed I am very hungry, but I cannot eat soup with maggots in it." So I, Sir, cannot wear epaulettes that have been worn by hangmen, without giving them at least some time to sweeten. Those Gentlemen who dislike the combination, will have plenty of opportunities of showing their zeal. Meantime, he left the case to the good sense, the loyalty, and humanity of that Assembly.

Lord STANLEY: Sir, I have no reason to complain of the course which the hon. Member who brought on this discussion has taken in using what is, no doubt, a fair opportunity of bringing before the House an important subject; but I cannot help regretting, that the hon. and gallant Gentleman who has followed him has thought fit to mix up with what is undoubtedly a serious and painful circumstance, some old stories from newspapers which are probably untrue, and which, if they were true, would be utterly unimportant. It is impossible to deny that these transactions to which reference has been made are such as cannot be heard or read, even at this distance of time and place, without great pain and regret. And I will go further, and say that that pain is greatly increased by the tone and the spirit in which these transactions have been described, both in the despatch written at the time and in the book subsequently published by the gentleman who gave instructions to the Sikhs engaged in this affair. There is a tone of flippancy, and an appearance of exultation at that great sacrifice of human life —a sacrifice of life made not in the heat of action, nor after a judicial process— which is utterly at variance with good taste and good feeling. Making all allowances—and we are bound to make the very largest allowances for the circumstances of time and place—it is impossible not to condemn the language in which Mr. Cooper has written of these transactions. But what the House has to consider is, not the tone in which Mr. Cooper has written, but the circumstances which took place at Meean Meer. Now, what were the circumstances? The regiment in question—the 25th Native Infantry—was stationed at Meean Meer, and being strongly suspected of an intention to join in the mutiny, was placed under restraint. It remained under restraint for a period of about six weeks. I think it was on the 30th of July that the attempt to revolt was made. It has been said, in vindication of that attempt, that it was merely an effort on the part of these troops to escape, and that that effort was made because they were to be sent in small parties among a population that was hostile to them, which was tantamount to committing them to inevitable destruction. Now, I apprehend that that is simply a mistake in fact. It is quite true that at a later period regiments were disarmed and discharged in small parties, but no general disarmament of troops had taken place when this outbreak arose. Escape, then, is not the word to apply to such a transaction; and even if it had been a movement of escape on the part of the troops, though a single fugitive may possibly avoid detection, when a large body of men attempt to escape they must be prepared to resist force by force, and the attempt, therefore, on the part of a regiment under these circumstances to escape from the place where they were kept under surveillance would, in fact, on their part, lead to the inference that they were prepared to meet any force that might resist them. It is said that at the time of this outbreak these troops were not armed. That is undoubtedly the case; but every one who knows India knows that arms are not difficult to be obtained there. They were then not fugitives, but insurgents. And when did they make the attempt? Why, at a time when Delhi was not taken. Every man of them, if they had escaped—and they were men for the most part belonging to Central India — would have gone to swell the ranks of the insurgents. At the time of the attempt there was already arrayed against the Imperial forces an enormously disproportionate force of Sepoys. I say, then, that whatever may have been their inspiring motive at the moment of this outbreak, it is impossible to treat it as anything but mutiny and an insurrection at a most critical time. Then, it is said that the Sikhs fired upon these troops before the murders were committed. Now, we have not, and probably we never shall have, full and circumstantial evidence of what occurred at the time. But we know this—we know that an outbreak was expected for some days before. We know that an outbreak actually took place upon that day—the 30th of July, and it is only reasonable to suppose that as English officers were present, or, at least, at no great distance, any attack made upon them by the Sikhs was owing to a previous outbreak on their part. But was this outbreak a mere result of panic, and was it merely by way of self-defence? If that was the case, how came those attempts at the murder of two European officers to take place? It may be said that the murder of Major Spencer was the work of an individual only. We do not find that any attempt was made by these Sepoys to give up that guilty individual, or that they endeavoured to disconnect themselves in any way from the crime which he had committed. But, admitting that the murder of Major Spencer was the work of an individual only, what was the case as regards the attempt on the life of the second officer Lieutenant Montague White? A plan was laid to entice him within the lines, and when they had brought him there, an attempt was made on his life, with which he narrowly escaped. The object in this case could not be to get rid of an inconvenient witness, for the facts must have been public and notorious; nor was it any immediate danger to which the regiment was exposed. It appears to have been, as far as we can judge, a premeditated and treacherous murder, and this must be borne in mind in coming to any decision on the facts. It is unfortunately true that out of 700 men nearly 500 suffered death, some on the spot and some afterwards at Lahore. But all these facts were known, and are referred to in a despatch addressed by Viscount Canning to Sir J. Lawrence, in which the Governor General states that "great credit is due to Mr. Cooper for his exertions." We have evidence then, that every authority in India, regarded this punishment as necessary. Two officers had been murdered by these men without any purpose; the result of the escape of the regiment would have been that it would have joined the insurgent forces; and a severe example was doubtless considered to be necessary, to prevent similar risings elsewere. Reference has been made to a note addressed to Mr. Cooper by Mr. Montgomery. The note is couched in hasty language and such as could not have been deliberately employed, but I submit that whatever vindication the case allows of is furnished by its terms. In that note it appears (as indeed we know from other sources) that there was a large force in the neighbourhood; they were troops of the same garrison; they were similary disarmed, but under the same temptation to rise and not unlikely to yield to it. Probably Sir J. Lawrence and those in command thought, if a severe punishment were inflicted on the first body, as an example, it might prevent a similar mutiny by other regiments, and, in the end, be the saving of many lives. I have now stated what I apprehend may fairly be urged in vindication or palliation of the course pursued; but I am bound in sincerity to add, I cannot but wish that an indiscriminate execution of these men had not taken place, that some selection had been made, that there had been some previous investigation, and that some punishment short of death had been inflicted on the great bulk concerned. But it is one thing to wish that an act of this kind had not been done and another thing to pass a formal censure upon it. Only by great exertions—by the employment of force, by making striking examples, and inspiring terror, could Sir J. Lawrence save the Punjab; and if the Punjab had been lost the whole of India would for the time have been lost with it. Sir J. Lawrence has declared this act was necessary; and the Governor General has confirmed the opinion. Taking all this into consideration, and remembering that we, at this distance of time and place, are hardly fair judges of the feelings of men engaged in such a conflict, I hope the House will—I do not say oppose—I cannot ask its approval of the act in question; but I hope it will pass over the transaction in that silence which is sometimes the most judicious comment.

Main Question, put and *agreed to.*

NAVY ESTIMATES.—SUPPLY.

House in Committee.

Mr. FitzRoy in the Chair.

(1.) £142,957, Admiralty Office, agreed to.

(2.) £186,057, Coastguard Service, and Royal Naval Coast Volunteers.

SIR CHARLES WOOD said, he hoped the First Lord of the Admiralty would give some explanation of what he intended to do in reference to the Coastguard. It included two descriptions of men,—old civilians not available for the sea service, and seamen. Some of the seamen had served in ships of war, had been discharged with a good character, and, as a reward, had been employed in the Coastguard. But there were a certain number of men employed who had not served in the navy. It was obvious that the most valuable men were those who had been trained; in case of need they would serve as the nucleus of the crews of ships of war. It was most desirable to increase the number of the Coastguardmen as much as possible, and the Manning Commissioners recommended that this force should be raised from 10,000 to 12,000. This augmentation could only be made gradually year by year, as the class of men whom they required could not be obtained at once. When he was at the Admiralty he took a vote for 10,000 men, though he only expected to raise 9,000 of them at once, and that number was nearly obtained; and he thought that subsequent events had proved that he had formed a correct idea of the value of this class of men. This year, however, there was no increase proposed in the Coastguard seamen, and it was to be hoped that the First Lord of the Admiralty would explain why he had not followed the course which it was understood was to be pursued when this force was established,—namely, to increase it as rapidly as circumstances would permit.

SIR JOHN PAKINGTON said, he entirely agreed with the right hon. Gentleman as to the value and importance of the Coastguard, and felt great satisfaction that the Manning Commission had recommended that this excellent reserve should be increased. The reason why he had not asked for a larger number of men for this force was, because they were at present many hundreds short of the strength granted by Parliament, and therefore any increase for this year would have been merely nominal. The deficiency throughout the year ranged between 700 and 800 men.

SIR CHARLES NAPIER said, he wished to ask why the number of Coast Volunteers was not given in the Estimates? All the particulars that the Committee was furnished with were the sums of money which were required for this branch of the service. There were at present rather more than 7,000 Naval Coast Volunteers. He was also anxious to know whether it was true that men had been drawn from the Coastguard to man the ships in commission.

SIR JOHN PAKINGTON said, it was true that a few men had been allowed to volunteer from the Coastguard ships, but they were very few. They had manned two ships of the line and two frigates recently with a rapidity which was very uncommon. In fact they were deriving the advantages of the continuous service of the men of the fleet, and of experienced sailors, who had recently come home from foreign ships in Her Majesty's service. The number of Volunteers was about 7,000.

MR. LINDSAY said, he had been informed that nearly 600 men had been taken from the Coastguard to man the ships in commission. If that were so, it would seem to indicate that there was a difficulty in getting seamen for the navy.

ADMIRAL DUNCOMBE said, it appeared from the statements made that the Coastguard was 700 or 800 below the number voted. It was evident, therefore, that there was still something wrong, and that we had not that reserve which was necessary in case of an emergency.

MR. CARDWELL said, if the Coastguard were to be rapidly raised either to 10,000, at which it stood under the Act of Parliament, or to 12,000, which the Commissioners recommended, it would be necessary to relax the present rule with regard to admission to that service. Men were anxious to obtain situations in the Coastguard, and when the Government began to make their reserve from the merchant service he would suggest that they should admit to the Coastguardmen who had volunteered for the reserve. They would thus fill the Coastguard, and give a valuable stimulus to the merchant service to form a reserve for the navy.

SIR CHARLES WOOD said, he had always thought it to be of the greatest possible importance to keep the greatest possible number of old men-of-wars men in the Coastguard. This would show the merchant service what good things the navy led to. He wished to receive an answer to the question he had put to the right hon. Baronet. As he understood, the best men were employed ashore, and the inferior class on board ship. He wanted to know why the increase of the men on board ship was caused by a diminution of those on shore.

MR. CORRY said, that the revenue cut-ters in the present year were supplied by men from the Coastguard service afloat, which was not the case last year. The fact was that we had on shore a larger number of men this year, and we were short of the number afloat.

SIR CHARLES WOOD said, he wished to ask whether the number of Coast Volunteers had increased since last year.

SIR JOHN PAKINGTON said, that the number last year was about 6,000; at present it was between 7,000 and 8,000. He might also state that the number of men who had entered from the west coast of Scotland was between 400 and 500.

SIR CHARLES NAPIER: Was it true that only about 200 men had accepted the short-service pension of 6*d.* a day?

SIR JOHN PAKINGTON: Yes. The number was small; it was about that number.

SIR CHARLES NAPIER said, he had been told that the fitting-out and changing of the nine block-ships had cost £164,000. He could not understand where the money had been put. The operation upon a single ship could be accomplished in forty-eight hours. He could not understand where the money could have gone.

SIR JAMES ELPHINSTONE said, it was generally acknowledged that the men of the north of Scotland were extremely fine men, and, indeed, it had been said of them that they were a race of giants, but they were found to be very averse to going far from their homes, and were not to be relied upon as a naval force. The restrictions existing, especially with regard to their not serving more than 100 leagues from the land, rendered such a force one which it was not desirable should be absorbed in the reserve proposed to be created.

MR. LINDSAY said, he had come to a different conclusion. It was true that the Volunteers were not to go more than 100 leagues from the shore, but there were many services in which they would be able to supply very important aid. Still there was one great defect in the volunteer system, and he wished to ask the right hon. Baronet if he could state how many of them were absent from drill last year. He understood that out of 7,000 only 3,000 or 4,000 could be relied upon.

SIR CHARLES WOOD observed, he was surprised at this, because in the first year only three or four men out of 300 or 400 were absent from drill.

SIR JOHN PAKINGTON said, he could not exactly state the proportion, but he believed that about one-tenth did not appear when they were called upon. He thought that with some slight encouragement a very fine class of men called "wreckers," who at present were idling about the coast, might be made very efficient crews for the gun-boats.

SIR CHARLES NAPIER said, he thought if some extra inducement were offered to the men of the Coast Volunteers they would be more willing to serve, such for instance as a dinner on a Sunday, and that if more organized they would be found an efficient force.

SIR JAMES ELPHINSTONE said, he ought to mention that though it was the opinion of the Committee who sat on this subject that the Coast Volunteers might be superseded by a more efficient force, yet, as far as it had gone, great benefit had resulted from the institution of that corps. It had habituated the men of the north to the discipline observed on board men of war, and thus paved the way to the creation of a large and useful force in cases of emergency. Among other suggestions made, it had been proposed that a gun should be placed at each port, under the direction of old mariners, and that the inhabitants should be practised in the use of the gun, the best shot receiving a shilling reward, or some encouragement of a similar nature; this would induce the attainment of a great knowledge of gunnery among such men.

MR. CARDWELL was of opinion that, when it was well understood the old system of impressment would not be again resorted to there would be no limit to the number of volunteers that the country might obtain. It would, however, be better to discuss the whole subject on another occasion, and in a more formal manner.

Vote *agreed to.*

House resumed.

Resolutions to be reported *to-morrow.*

MUTINY BILL.—COMMITTEE.

Order for Committee read.

MR. COWAN, who had given notice of a Motion condemnatory of the practice of billeting in Scotland, said, that after the changes in that system which had been made by the gallant General the Secretary of State for War, and especially after the increase of the rate of remuneration which had to a great extent remedied the evils which were complained of, he should not move his Resolution. At the same time he must urge upon the gallant General the propriety of diminishing this practice as much as possible, and, if might be, abolishing it altogether.

GENERAL PEEL said, that in reply to what had fallen from the hon. Gentleman, he had great pleasure in announcing that it was the intention of the Government to raise the allowance from 1½*d.* to 4*d.* a day. But that alteration did not extend to innkeepers who had to find provisions for troops on the march. In addition to the former proposal, it was intended to make a further allowance of 2½*d.* a day to them; thus increasing the present rate from 10*d.* to 12½*d.* The attention of the Government had been anxiously directed to the suggestions of the Billeting Committee of last year. There were several grounds of objection brought forward by the Committee. Amongst them was an objection to the arrangement by which the militia were billeted. But the fact was, that in all instances in which the militia had been called out of late years, they had been quartered in barracks, and had not been billeted. It had also been observed that some districts suffered more severely than others from the system of billets. He was happy to say that he had received intimations from several towns from which the greatest complaints had proceeded, such as London, Liverpool, York, &c., and he had been informed that the innkeepers would be perfectly satisfied with the proposed changes, and that persons were to be found who would be not unwilling to provide quarters for the troops at the increased rate. He hoped the House would allow the Bill to pass this year to see how the proposed changes would work.

MR. EDWIN JAMES said, he was glad of an opportunity of testifying to the extreme courtesy and kindness of the right hon. Gentleman in listening to the complaints that had been made upon this subject, and to the conciliatory spirit in which he met the objections which had been made to the present system.

MR. BLACK said, he could corroborate the remarks of the hon. Member who had just spoken. In his opinion the proposals of the gallant General were perfectly just and fair.

MR. BOVILL said, that having called the attention of the House to this subject about two years ago, he also wished to express the gratitude felt by those persons who had been aggrieved by the old system.

MR. RIDLEY said, he wished to ask whether or not the recruits raised in Sunderland, Shields, and other towns of Yorkshire, would be removable at once to barracks in York.

GENERAL PEEL said, he thought it would not be practicable to remove recruits immediately to the barracks at York.

House in Committee.

GENERAL CODRINGTON asked whether the practice of giving money to soldiers to buy them out, as it was called, whereby a separate bargain was made with the innkeeper was to be continued?

GENERAL PEEL said, that with every desire to adopt the proposal that the payment should be made by the billet-master, it had been found necessary to postpone any alteration in that respect till it had been seen how the new system would work.

Clauses *agreed to.*

House resumed.

Bill *reported,* without Amendment.

MARINE MUTINY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

SIR CHARLES NAPIER said, he thought this would be a good opportunity of throwing out a suggestion to the right hon. Baronet, namely, whether it would not be better on all occasions when complaints were brought against a sailor that the captain should be directed to order an inquiry to be made by some other officers o the ship. It was very often a painful thing for the captain, who had the power of remitting punishment, to insist upon the punishment being carried out in the discharge of his duty, which would not arise if, in all cases, a ship court-martial were to pass sentence upon the offender. In making these observations he did not wish it to be thought that he was at all of opinion that the amount of flogging in the navy was excessive.

SIR JOHN PAKINGTON observed, that the hon. and gallant Admiral was not strictly in order, inasmuch as this Bill related merely to sailors whilst on shore; but he begged to assure the hon. and gallant Admiral that the whole subject of naval courts-martial was under the consideration of the Government.

GENERAL CODRINGTON said, he desired to ask whether the Marine Mutiny Act relating to sailors on shore would contain the same provisions as the former Mutiny Bill?

Mr. CORRY said, that no alteration was proposed to the billeting of sailors on shore.

Clauses *agreed to.*

House resumed.

Bill *reported,* without Amendment.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 15, 1859.

Minutes.] Public Bills.—1ª Evidence by Commission; Remission of Penalties.

2ª Indictable Offences (Metropolitan Districts); Inclosure; Medical Act (1858) Amendment.

THE STADE DUES.—QUESTION.

The Earl of CLARENDON: My Lords, I yesterday gave notice to my noble Friend the Secretary of State for Foreign Affairs that I would ask him to-day for such information as he might not think it inconsistent with his duty to give, with respect to the Stade dues, which, as my noble Friend is aware, materially affect a considerable portion of the manufacturing and trading interests of this country. I will now state in a few words why I ask for this information from my noble Friend. Early last Session an hon. Member of the House of Commons (Mr. J. L. Ricardo) moved an Address to the Queen, praying that notice might be given to the Hanoverian Government of the termination of the treaty of 1844. That was met by the Government by a Motion for the appointment of a Select Committee to inquire into the whole subject; and that Motion was agreed to. That was, I think, a wise and proper course to pursue. The President of the Board of Trade was the Chairman of that Committee, and the Under Secretary for Foreign Affairs was one of the members. The Committee presented to the House a unanimous Report, in which they said—

> "That the proportion of Stade toll and freight in British ships from Hull to Hamburg is at the present time on a bale of spun silk 115 per cent, on a bale of cotton goods 142 per cent, and on a bale of woollen yarn 36 per cent; that the average annual amount of Stade tolls under the British flag has arisen from £3 10*s.* per 100 tons British, in 1847 to £4 6*s.* 4*d.* in 1855; that the Stade toll is injurious to the trade and shipping of the United Kingdom; that goods, the property of Hamburgh citizens and carried in Hamburgh ships, are exempt from the Stade toll, and British ships are thereby exposed to an unfair competition; that it does not appear that any service whatever is rendered by Hanover in return for the tax levied on the commerce of Great Britain; that if the duty of 1844, by which the United Kingdom is bound for a limited period to assent to the payment of the Stade toll, were determined by notice pursuant to the terms thereof, but little injury or inconvenience would arise to the trade of this country; that it is expedient that notice should be given to terminate the treaty of 1844 with Hanover."

Acting upon the recommendation of the Committee, I understand that my noble Friend the Secretary for Foreign Affairs did give notice of the termination of the treaty with Hanover; but it is said that last year, when my noble Friend was in attendance on Her Majesty, certain proposals were made to him by the Hanoverian Minister, and that he consented thereupon to withdraw that notice. Such is the view, at all events, which is taken by the Hanoverian Government, and they declare that the notice has been withdrawn. Her Majesty's Government, I believe, take a different view; but, as considerable doubt and uncertainty have arisen on the point among the persons who are interested in the trade to those parts, I wish to ask my noble Friend whether the treaty will or will not terminate on the 14th of August next, and whether he has any objection to lay on the table the correspondence which has taken place on the subject with the Hanoverian Government?

The Earl of MALMESBURY:—My noble Friend has stated very correctly what took place previous to the notice being served on the Hanoverian Government of the expiration of the treaty. For obvious reasons I will abstain from expressing any opinion of my own as to the result of the termination of that treaty, and as to the consequences, whether beneficial or otherwise, to English trade. But as my noble Friend has asked me what actually took place when I had the honour of attending Her Majesty to Hanover and saw Count Platen, the Prime Minister of that country, I may inform him that having seen Count Platen on the 11th of August, before any notice was given, I stated to him that such a notice would be given in a few days, founded on a Report of the Committee of the House of Commons, and that that notice would stand good from the date on which it was served. Count Platen stated in reply that he regretted extremely on the part of the Hanoverian Government that that notice was about to be served—that he thought there was a great deal of evidence which the House of Commons was unacquainted with which might be adduced against terminating the treaty, and that much of the evidence taken before the House of Commons was one-sided: he hoped, therefore, that I would not object to the Hanoverian Government putting in a reply to the Report of the Committee of the House of Commons. I stated to him in answer that I could not, and would not, stop the notice or withdraw it; but that if the reasons which he offered to advance should be satisfactory to Her Majesty's Government, and should refute those given by the House of Commons for abrogating the treaty, I would then withdraw the notice which would be served on him in a few days. I proceeded on my journey to Potsdam; and three days afterwards—namely, on the 14th of August—the notice was served on the Hanoverian Government by the Foreign Office. It was duly, formally, and officially received and acknowledged by the Hanoverian Government, and, therefore, I consider that it stands perfectly good from that date. Subsequently the Hanoverian Government took advantage of an expression which was made use of in a despatch alluding to the reasons which they were to give, and they attempted to construe that expression into a suspension of the notice until it should be again served. I opposed that interpretation, and I said that my conversation with Count Platen was as I have described it to your Lordships; and although he did not acquiesce in my views at the time, he privately acknowledged to Mr. Gordon that such was the case. In the short controversy which arose, my last despatch was dated on the 10th December, and the Hanoverian Government allowed that, at all events, if the notice was not good on the 14th of August, it was good on the 10th of December. That interpretation I have hitherto resisted, and shall continue to resist, as not being borne out by anything which fell from me in the conversation with Count Platen to which I have alluded. But it is really of very little consequence whether the notice should terminate three months earlier or later. My opinion, from the investigations I have made, is that the matter ought to be settled, if possible, by diplomatic means. There is no doubt that the Hanoverian Government has made charges which it has no right to make, and I hope that these charges can be brought by diplomatic means to a lower figure. The question is involved in considerable difficulty. There can be no doubt that when the treaty was signed Lord Aberdeen reserved liberty to put an end to it at twelve months' notice, and I consider this country still retains that liberty. The best course which Her Majesty's Government can pursue is, if possible, to modify these charges by diplomatic means; and I hope, therefore, that my noble Friend will defer his request that these papers should be laid on the table. If I find that the negotiation is fruitless, the treaty will cease at the date I have mentioned, and all the papers will then be laid on the table.

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 15, 1859.

Minutes.] New Member Sworn.—For Stirlingshire, Peter Blackburn, Esq.
Public Bills.—2° Church Rates Abolition.

CHURCH RATES ABOLITION BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. DARBY GRIFFITH said, the Bill was quite a one-sided measure, and complained that any discussion or amendment on it had last year been prevented by a technical difficulty. The most important stage of a Bill, the Committee, in which the details were considered, had, in fact, been practically, totally expunged in this measure, and amendments were excluded by its uncompromising title. It, therefore, came before the House in an exceptional form, that precluded all rational discussion of the subject. The whole force of the measure was compromised in a single clause of an intolerant character; and there would be no opportunity but this of joining issue on the principle, unless by moving an Amendment that would change the title of the Bill. It appeared to him extremely to limit, to nullify, he might almost say to stultify, the powers of that House. He knew of no other measure which proposed to take the House by storm; and therefore he contended that it came before them in a totally exceptional state, and one calculated to stifle, preclude, and prejudge all national discussion. Was it to be pre-supposed that there was but one side tothe Bill? Gentlemen who had supported the second reading had various views on the matter. He knew many personally who had voted for the second reading who wished to make alterations in the Bill, innocently supposing that opportunities would not be wanting in Committee. The Bill was surrounded with difficulties and was brought before them in such a way that they had no fair opportunity for discussion. This Bill had on former occasions gone up to "another place" and been rejected there by considerable majorities. Almost all the minority in that place however voted for the second reading with an express declaration that they intended to make alterations in Committee. It was said that there should be no compromise, "no surrender"—reviving the old Protestant cry in Ireland which was so much condemned—and nothing but one view should prevail. That was not the case in 1856. The hon. Baronet who had then the conduct of the measure was willing to accept of other terms, and those terms would have been probably carried through the House had it not been for the late period of the Session. Why was not the compromise of 1856 equally applicable in 1859? It was merely the spirit of success, and he should think to a certain extent the spirit of intolerance, seeing the victory, as they supposed, so nearly approaching. He believed that they were bound constitutionally to consider Amendments in Committee. The whole principle of the Bill is that every Church establishment is contrary to the law of God. That is the position which the supporters of the Bill profess to hold; but he asked, what foundation is there for that? He should like to know on what principle is it that human virtue should be entirely unassisted? Take the very highest virtue of all, charity. Do we leave it entirely to itself? No, we call in the assistance of a legal provision for the poor, which, after all, did not interfere with its exercise. The existence of any establishment whatever in support of any virtue was not inconsistent with the exercise of that virtue; nay, it was often highly beneficial in its effect. Why was France from time to time so disturbed? The reason was because every man there—every *ouvrier*, knew that he might at any moment die in a garret without legal assistance. And if in this country there was one circumstance more than another which tended to the preservation of public order it was that we have a legal provision for our poor. Take the case of the voluntary system in this country. Did we depend exclusively on that system? Were not the courts of law frequently called upon to support the endowments of chapels and schools? He never heard that either a hospital or chapel ever refused a donation of a £1,000 in order to carry out the voluntary principle. The Church establishment did not preclude the voluntary principle. In short, the mere abstract principle on either side was falsified by every one's experience. No one would contend that the Church of England was anti-christian, although people might believe a little more or less than she taught. Just as Theodore Hook when he was asked, as a young man about to enter one of the colleges at Oxford, if he would sign the thirty-nine articles, said, "Oh, yes; forty of them if you like." He was far from contending for the infallibility of the Church of England. He was rather inclined to concur in the opinion which he had heard expressed, "That we were all very much of the religion that our mothers took us to when we were children." Those who were pressing forward this question, and whom the hon. Baronet represented, would not be satisfied with the abolition of church rates. At a *soirée* of a society called the Religion Liberation Society, at which the hon. Baronet was advertised to preside, but which he was prevented attending by ill-health, Mr. Miall declared that they never intended to abide by the Church Rate Bill as a final measure; but that, on the contrary, what they desired was the separation of Church and State. Mr. Miall's words were these:—

> "He was addressing his countrymen through the press. They wished for an entire disseverance of the Church from the State. Their object was not to get rid of the church rate merely. They were going further than the church-rate question, which was only as a grain of sand to a mountain. Let it not be forgotten that a much wider and broader question remained behind, a question which had to do with the great principle on which Church affairs should be conducted in relation to the civil institutions of the land. Let those who opposed the Church Rate Bill take all the advantage they could from the avowal; but they did not and never did intend to abide by the Church Rate Bill as a final measure."

Would the hon. Baronet explain whether

or not he intended to presided at the meeting in question? The House had a right to know. The supporters of this measure, therefore, avowed that they had an ulterior object, and that itself ought to induce the House to reject this Bill. He emphatically denied that any honest Dissenters required anything of the sort; they would be perfectly satisfied to claim the exemption from the rate, and would feel no grievance in merely signing their names once a year. Under these circumstances why should that House seek to enforce its views without regard to the opinions of a co-ordinate branch of the Legislature? There had been introduced into "another place" a measure which was based on a conciliatory principle, and he would ask the House whether it would refuse to accept such a measure? If, as he believed, they would receive a conciliatory measure in a favourable spirit, it would be illogical to agree to the second reading of the Bill, which put the matter beyond all doubt by absolutely abolishing church rates at once and for ever. The hon. Member concluded by proposing the following Amendment:—"That any amendment of the law relating to church rates, which should exempt persons contributing to the support of some other place of worship than the parish church from the payment of the rate, at the same time that the existing machinery for the support of the fabric of the Church of England should be continued in operation upon the members of her own communion, is worthy of the consideration of this House."

Mr. HUDSON seconded the Amendment.

Amendment proposed—

"To leave out from the ward 'That' to the end of the Question, in order to add the words 'any amendment of the Law relating to Church Rates which should exempt persons contributing to the support of some other place of worship than the parish church from the payment of the Rate, at the same time that the existing machinery for the support of the fabric of the Church of England should be continued in operation upon the members of her own communion, is worthy of the consideration of this House,'"

instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. SOTHERON ESTCOURT said, that although he was perfectly ready to agree to the personal exemption of Noncomformists from church rates, he could be no party to an arrangement by which people claiming that exemption would be compelled to contribute to the maintenance of other places of worship. But he had risen principally for the purpose of requesting his hon. Friend to consent to the withdrawal of his Resolution. His hon. Friend had had the opportunity of bringing his views before the House, and he had done so in a speech replete with argument and sound sense; but after all, the mode he had chosen was not a suitable mode of bringing the question before them, for even if his Resolution were carried, it would produce no substantial result. It was not a direct negative on the Motion for the second reading of the Bill; it was nothing more than an attempt to obstruct the progress of the measure by means of an abstract proposition; and although such a mode of proceeding had recently received very high sanction, it was not one that ought to be looked upon with favour by the House. The hon. Baronet the Member for Tavistock had dealt very fairly with them in bringing the measure under their consideration; and he (Mr. S. Estcourt) hoped that upon that day, which had been specially set apart for its discussion, they would either accept or reject it upon its own merits.

Mr. STEUART said, that if the Amendment were brought forward on another opportunity, he should be happy to support it; but its adoption on the present occasion would be countenancing the bad practice of moving abstract Resolutions as Amendments on the second reading of Bills. He could not give his vote in favour of the Bill of the hon. Baronet which he believed would pass that House and be rejected in "another place" and then the time would have arrived for some compromise; for he believed the course taken to refuse all compromise on this subject had strengthened the hands of moderate men, who were open to any reasonable compromise. It was argued that, if voluntary contributions were substituted for church rates, only those churches which were not required would cease to be supported. But who were to decide in this case? Were they to be the inhabitants of the districts, or other persons not actuated by friendly views to the Church Establishment? He feared that if the present Bill were carried, many rural districts where the people were too poor to provide a church, would be deprived of the advantages of religious instruction. He was willing to exempt Dissenters from church rates, because they had done good in spreading religion; but he would not consent to destroy churches where they were wanted.

MR. DARBY GRIFFITH said, that in compliance with what seemed to be the general wish of the House, he would not persevere with his Resolution.

Amendment, by leave, *withdrawn.*

Question again proposed, "That the Bill be now read a second time."

MR. BERESFORD HOPE*: I cannot refrain, Sir, from promising the House that I shall not take so deep a plunge into the nature of things, or enter upon so wide a range of all philosophy as we have been lately led into, by the hon. Member for Devizes. If church rates are to be abolished posterity will say that they want no historian, but "such an honest chronicler as Griffith." My task is a more practical one, and I shall try to compress it into as brief a space as the importance of the subject will permit. For it is a really important subject. The question is not the same as that which was discussed last Wednesday. The right hon. Baronet the Member for Morpeth (Sir George Grey), then very truly pointed out that the discussion of Wednesday last was to try an individual issue—it was to try the limited issue contained in the Bill which my right hon. Friend the Member for the University of Cambridge had laid on the table of the House—the wider question of church rates themselves, from that of their absolute abolition to the dry maintenance of the present state of things, remains behind. If we were indeed to take the discussion which arose on the right hon. Gentleman's Bill as concluding the main question, we should have to abandon the case. But I, for one, say, that the cause of church rates is not yet hopeless. The discussions which have already taken place upon the subject have made one thing clear, that the cry for abolition of church rates proceeds from a divided party—that it is not a question of Dissenters against the Church, but that the opponents of church rates form a portion, and a small portion only, of the Dissenting body, together, as the right hon. Baronet the Member for Morpeth pointed out, with a portion of the members of the Church who have certain specific grievances which can easily be remedied by means short of the destruction of the system of church rates. But all the Dissenters are not pledged to the abolition of church rates. I appeal to the hon. Gentleman the Member for Cambridgeshire, who, in a speech of great power and admirable feeling, told the House that though he had conscientious objections to the payment of church rates, yet he was willing to receive the measure of the Government, which relieved him, and those who thought with him, from their conscientious objections, and which allowed to Dissenters what they required, the freedom to worship God according to their own consciences, and who said he would not be a party to any measure which would relieve Dissenters by forcing upon Churchmen their abolition. What party, then, was it that was pressing for the abolition of church rates? Not the conscientious Dissenter—not the religious Dissenter—but a political organization, represented in London by a body which some years ago called itself the "Anti-State Church Association," but which had now assumed the more pompous appellation of the "Liberation of Religion from State Control Society." The objects of that Society, as declared by themselves, were, that they would not admit the Established Church to be regarded as a peculiarly national institution, and that they would strenuously oppose all legislative exemptions which proceeded on the assumption of what they considered any favour being shown to any one section of the Queen's subjects. Now what does that mean? It means that the abrogation of church rates is with them a means to an end—and that end is the abrogation of all Church property in building and in tithes—and this object I must give them the credit to say they carry out with great ingenuity and great assiduity. I have had the curiosity to look into some of the publications of this Society, which flourishes at Serjeants' Inn, and which has put forth numerous handbills, tracts, and advertisements, and which also publishes a paper under the title of the *Liberator.* About two years ago the *Liberator* published an extract from the *Nonconformist* newspaper, which it is well known is edited by a gentleman who is no stranger to this House, and which is looked upon as the representative of the political Dissenters. What says the *Nonconformist?*—

> "Radical politicians, we know, greatly dislike spending any particle of their strength upon ecclesiastical questions. They will have to conquer that dislike; for ecclesiastical questions will furnish the chief occasions of popular conflict for years to come. But for the strange and anomalous position occupied just now by the State Church—but for the evident fact that that institution is out of keeping with all our other institutions—but

for its hatred of all change, its tenacious clinging to all abuses, its monopoly of honours, its disregard of common justice, its never-ending attempts at encroachment, its oppressive exactions, its grasping cupidity—we question whether nowadays the middle classes could be got to take even a passing interest in politics. Upon no other subject can excitement be so easily awakened. Why, even in the House of Commons there is far more earnestness in reference to some of its phases than almost any other matter can produce. Every one feels that it is the grand question on either side of which political parties will soon range themselves. It will be impossible to form and discipline a party without distinct reference to this. Even Parliamentary Reform is chiefly desired on the one hand, and deprecated on the other, as it is believed to bear upon the future destiny of the Church.

"Of course we do not expect that our convictions on this matter can be safely thrust into a programme of policy. But, as we said before, a fundamental truth or two, stopping short of our ultimate aim, and yet broad enough to answer present need, will be found an indispensable feature of any manifesto which is designed to serve as a banner to the Radical party, and as a source of inspiration and a bond of union to its members. They will never gain either unity, discipline, or courage, until they can dare to face the greatest anomaly of the age—the Established Church. It is the only remaining enterprise capable of inspiring enthusiasm."

Well, what does all this mean? It means simply, that the Anti-State Church Association, now the Liberation of Religion from State Control Society, claims to appropriate to itself the revenues and the established position of the Church of England. I hold in my hand a tract establishing this point, which states itself to have been written by the Rev. Ralph Wardlaw, D.D., entitled the "Doctrine of Voluntaryism as distinguished from State Establishments." This tract is printed, published, and sold at the office of the Society in Serjeant's Inn. The writer says—

"In the second place, the charge of seeking to pull down the Church is in another sense a truth, and in that sense we neither disown the charge nor object to the mode of expressing it. If by the Church is meant the Church Establishment, the charge is true. We shrink not from it; we avow it; we glory in it; nor do we object to the terms: Pulling down is an apostolic phrase."

"Proving their doctrines orthodox
By apostolic blows and knocks."

"Pulling down is an apostolic phrase," and in virtue of this apostolic doctrine the Society finds its vocation in stirring up the people against church rates by tracts, by pamphlets, by the employment of paid agents, and by the most assiduous working of every mode of political machinery which the modern science of agitation has placed in men's hands. This is the body which gets up agitation over the length and breadth of society. Here is one of their handbills, well printed, and in large type. Does the Society, in such a publication as this, maintain the great truth they have discovered and mean to act upon, about pulling down the Church? They are too wise in their generation for that; but those bills, though they are saleable in London, at the office in Serjeants' Inn, are so worded that they may be used in any part of the country where a church rate agitation is on foot. These bills are then posted up, and appear as if they were local publications. This one is headed, "Ratepayers remember," without any printer's name. The House need not be alarmed; I shall not read it all. It sounds very like a dilution of the speech which we heard from the hon. and learned Member for Aylesbury (Sir Richard Bethell) the other day. It says—

"In all the large towns of the kingdom church rates have been discontinued, and neither the interests of the Church of England nor the interests of religion have suffered. Why are they still kept up in this parish?"

Thus this broadside is printed and published in London, at the central depôt of the Society, where I bought it, and where everybody else may buy it; but it is written so as to delude the rustic population, and to persuade them what a clever man they must have got in their parish, who was able to write a publication like that. This is the sort of agitation—this is the clamour on which the opponents of church rates rest for success. In "another House," there is a Bill for relieving conscientious Dissenters from any scruples they may entertain as to the payment of church rates. Whether that Bill will ever come before us or not remains to be seen. But in some form of compromise or exemption a measure of that kind will still have to be discussed in this House; and in the prospect of such compromise, to give our assent to the present Bill would show a reckless disregard to the ancient rights of the Church. There indeed is one solution of the difficulty, which is not now before the House, I am happy to say, though at one time it was looked on with favourable eyes by those who wished for a peaceful settlement of the question—I mean a "fabric rate," leaving the expenses of worship to be defrayed by the worshippers themselves. I would much sooner see the matter settled by the abolition of church rates altogether than see a rate levied for the maintenance of the fabric only. If you do that, you will play the game of the Liberation Society, who would very gladly induce men to pay a fabric rate, because they look upon those fabrics as their own future inheritance. Those Gentlemen who were Members of this House some ten years ago will remember the effect which was produced upon us by the speech of the late Mr. Sheil, on a question which has not long since been before the House again, for legalizing certain illegal marriages. In that speech the orator drew a touching picture of the feelings of the dying wife while her sister smoothed down the pillow in which she had a "residuary interest." So I say that Dissenters—Dissenters, I mean, of the stamp of the Liberation Society—will willingly pay the fabric rate, because they would feel they had a residuary interest in that pillow where they hoped soon to repose by an unlawful marriage with the State. Mr. Miall, who is the great organ of the body, and who was the president of that meeting at which the hon. Baronet the Member for Tavistock wisely, and with his usual good sense, refused to take the chair, had to answer a question, whether in the event of Parliament proposing to abolish church rates on the agreement that the fabrics should be kept up out of the funds now in the hands of the Ecclesiastical Commissioners, the society would assent? Mr. Miall replied,—

> "That in his judgment, the society might consistently do so. Such a change of the law would extinguish the taxing power of the Establishment, and dry up one of its sources of revenue, while the ecclsiastical revenues applied to the purposes for which church rates are now levied, would still be national property, and be capable of appropriation to secular purposes at a future time."

This, then, was Mr. Miall's programme of proceedings; this was what the society was driving at—and this, I say, it would be false wisdom in us to help on,—a policy which we should adopt, if we were to attempt to settle the question by the dangerous expedient of a fabric rate for the sake of concili ting the Dissenters. If you do carry a fabric rate, and if you take the next step, and dispossess the Church of her ancient habitations, who would be the gainers? Would the Dissenters win them? Assuredly not. If the Church were dispossessed, the State would step in, and would not allow the thousands of churches in this land to be thrown into the ring and the sects to make a denominational scramble for them. The Dissenters would find that they had only exchanged the mild hand of the Establishment for the grinding hoof of a central State bureaucracy. The whole condition of Europe since the great crash of the French Revolution, shows that property of all sorts, and most especially of all ecclesiastical bodies, had suffered from the shock: the churches are usurped by the State, and the result is that religious liberty, as we understand the term, is altogether unknown. In Protestant and Roman Catholic countries alike, a *Ministère des cultes* holds the Churches in bondage, and doles out their stipendiary pittances to the different denominations. If the first stone of a Roman Catholic church, or of a Protestant "temple" is to be laid, who is employed to lay it. The Bishop or the pastor, as the case may be? No such thing. It is the Prefet or the Sous-prefet that lays it. In Germany we even see the churches divided into two: one portion occupied by the professors of one confession, the other by another. In France we see such Protestant congregations as are unauthorized by law persecuted by the priest, bullied by the prefet, harassed by the minister. Why is all this? Why, because Church property is not respected; and Roman Catholic and Protestant alike are driven to depend upon the State. If the Liberation Society could succeed in dispossessing the Church of its ancient possessions, the same thing would take place here: and religion, far from being liberated from State control, would be placed under a tyranny of which this country has now no idea. So much for the agitation for the object so much desired by the political Dissenters. I admit the argument in favour of a well-considered scheme which would relieve the consciences of Dissenters as individuals, one and another, as each of them objected. But any scheme which attempts to overturn church rates as a stepping-stone for getting rid of the Establishment, helps on the creation of a hopeless State tyranny which will impartially crush all denominations without exception, and which, in support of its own claim for universal control, will mercilessly check all free display of religious zeal.

Now, I come to the second class of objectors named in the argument of the right hon. Baronet the Member for Morpeth — those Churchmen who are already liable for the support of their district churches. If their case were hopeless—if there were no remedy for them short of the abolition of church rates, then something might be said in favour of the right hon. Gentleman's argument. But what are we to say if the remedy already exists ; if there is already a power given to district churches to liberate themselves from the control of the mother Church in the parish. Has he forgotten the Act which was passed a few years ago by a noble Duke, and which is popularly known as the Blandford Act? There may be considerable vagueness in the phraseology of that Act, and consequent difficulty in bringing it into operation, but its purpose is plain, and the difficulties which attach to it may, by a short and clear Act to amend it, be easily set right. With this Act in existence, which may so easily be brought into working order, for the right hon. Member for Morpeth to get up and make the difficulties attached to the district churches a reason for passing the present Bill, only shows how far persons can be carried by party feeling. Any one who listened to the speech of the right hon. Baronet, would suppose that the one unpardonable sin in his eyes—the one idea from which every well-constituted mind would turn with horror, would be a Bill that should permit church rates to be reimposed in those parishes where the non-collection of them had passed the magic period of five years. He very ably and cleverly kept away from the consideration of the House, the totally altered conditions under which the church rates would now be reimposed in those parishes. Hitherto the church rate had come upon them as an impost levied upon crowded towns, and thickly populated streets, many of which were totally cut off from all spiritual connection with the mother Church ; and it was no wonder that the inhabitants felt aggrieved by their being called upon to contribute to a church which they did not attend, while their own church was supported either by a second rate, a small sum churlishly doled out of the parish rate, a voluntary contribution, or the obnoxious expedient of pew-rents. Well but in the supposed case, we should have changed the conditions of all these things ; we should leave to the parish church only its own district, while each separated district church would be entitled to have its own rate to itself; and furthermore to have it levied exclusively upon the church worshippers, for purposes of which those worshippers themselves are to partake. Is it impossible—is it not likely—is it not a thing to be desired and probable, that church rates would be restored in many such districts under these altered conditions when the ratepayers knew that the funds at the disposal of their church would be employed for the purposes of their own worship ; when they saw their clergyman establishing schools, and labouring in every good work—when they found that by means of it the seats in the church would be free, and pew-rents never more heard of? So much for the objection arising from the condition of the district churches ; so much for the hobgoblin which the right hon. Baronet the Member for Morpeth has raised. It is nothing to the purpose to say, that rates have been refused for so many years in those localities, when I have shown that there is nothing improbable in their being partially at least reimposed under the altered condition of the parishes. Last of all, I must advert to a plea which I have often heard urged, but which of all the arguments ever brought against the continuance of church rates appears to me the most untenable, monstrous, and unjust. It is said that because of the splendid munificence which the Church has shown of late in spreading religion over the land, therefore, her virtue is to be its own punishment, her voluntary sacrifices are to be met by voluntary robbery, and because she has given much of that which there was no legal obligation on her to offer, she must be despoiled of what is her own. It seems to me, that if there is anything contrary to justice, contrary to reason, contrary to good faith, and contrary to common sense, it is such a proposition as this, that because of the noble sacrifices which the Church of England and her sons have made of late years: because of the splendid munificence which has been shown by a Warneford, a Cotton, a Haddo, an Akroyd, and a Burdett Coutts, therefore the Church, the fruitful mother of such children, should be despoiled of her rights, and because she has used her talents wisely, and even multiplied them tenfold, therefore those talents must be taken away and given to another. Because she has come forward and contributed so largely wherever necessity appeared, even though the recipients of her bounty had no formal claim upon her, therefore you bid her begone when she asks only for that which the prescriptive right of centuries has made her legal property: and that too at a time when the Church has agreed by a public act of corporate self-sacrifice, to give up those points which constitute the only obstacles to her claim

—to clear away those matters which were the only sources of heart-burning and jealousy, in agreeing to exempt all from paying the rate, whose objections had for their pretext the sacred claim of conscience. Therefore in the name of peace, in the name of religion, in the name of charity, in the name of justice, I protest against this monstrous act of spoliation; against this rough, ready, and most unreasoning attempt to foreclose the question, to make peace impossible by trampling upon justice, to strip the Church of what the law grants, and that at a time when by the compromise offered, law and conscience may be united together, so that what the law grants may be levied in such a way, that there shall not be a scruple of a conscientious objection which would not be respected. I therefore move, Sir, that this Bill be read a second time this day six months.

MR. DEEDES, in seconding the Amendment, said, he had often been called upon since he had been elected to a seat in that House to vote upon this measure, but he had never troubled the House with any expression of his opinion on the subject, and he now rose rather to enter a protest against the course which the House had taken on it than to enter into its intricacies. He had formerly entertained some hopes of a compromise, but despaired of any amicable settlement of this question when he heard the hon. and learned Member for Sheffield (Mr. Hadfield) say, in reply to some reference to a compromise, "We have got a majority, and we do not mean to have any compromise, but to have the entire abolition." In speaking of a possible settlement, he did not wish to use the word compromise, because that implied a giving up a principle on one side or the other. He wanted no one to give up a principle. What he wished was such an adjustment of the question as would on the one hand relieve the Dissenters so far as it was just that they should be relieved; and on the other that the Churchmen should have the proper means of maintaining the Church. He believed that one great reason of the hostility to church rates had arisen from their misappropriation. Both Churchmen and Nonconformists had a good deal to complain of on this point. He should wish to see the rate limited to the purposes to which it might be justly applied, the maintenance of the fabric of the church and keeping up the churchyard. For these purposes he should like to see the machinery of a rate continued. His plan would be an exceedingly simple one; he would give to the Churchwardens for the time being the same power now possessed by the surveyors of roads. The Churchwardens should be empowered to levy a rate in each year not exceeding a certain sum, and that a small one, without going to a vestry, unless it exceeded the limited amount, when the sanction of the vestry would be required. The rate would then merely be fixed on the church door, in the same manner as the present highway rate; and if the Churchwardens received from any person, in writing, a notice of a conscientious objection to pay the rate, his name would be struck out of it; the remaining sum on the paper would then be collected for the purposes for which it was required. He had no doubt the Churchmen would always come forward on any emergency to supply what was requisite; but it was an act of injustice to deprive Churchmen of all that machinery for levying a rate, if they wished it, which the law had sanctioned for so many years. Why should the Dissenters do it? They were entirely relieved from the rate, and that being done, they might leave Churchmen to carry on their own system of rating, if they wished to do so. He was in a position to state that the Ecclesiastical Commissioners, having offered £56,000 for Church purposes, £100,000 in addition had been offered voluntarily. He did not wish to mix up any angry feeling with the question; he would not inquire whether the supporters of the Bill had any ulterior objects; he looked only at the measure as it came before the House, and as it stood he must oppose it.

Amendment proposed, to leave out the word "now," and at the end of the Question to insert the words "upon this day six months."

MR. BERNAL OSBORNE said, he agreed so far with the hon. Member for Devizes (Mr. D. Griffith) as to say that it was a matter of regret that the Amendment proposed by the right hon. Member for Morpeth (Sir George Grey) on the Bill brought in 1856 by Sir William Clay was not accepted by the House. He thought that if there ever was a time when a compromise might have been effected it was then. Unfortunately the opportunity was not taken; circumstances prevented the Government of the day from passing the Bill; when it was brought forward again the Nonconformists refused to support it; and now—he said it with regret—but he felt that the time for compromise had entirely gone by. But when his hon. Friend the Member for Maidstone (Mr. Beresford Hope) told the House that there was a fictitious agitation, he thought he must have looked very imperfectly at the subject before the House; because if he had read the evidence given before the Committee of 1851, he would have seen the evidence of Dr. Lushington, a great authority on this subject, and which was conclusive on this point. Dr. Lushington said, that for forty years' he had experience of this question, that the agitation was increasing in intensity every day, and that so far from there being any fictitious element in it—it was a genuine excitement. Therefore he thought, when the hon. Gentleman said that there was a fictitious agitation, he was not well acquainted with the subject. But the hon. Gentleman went further, and he endeavoured to terrify the House by his description of the Liberation Society and its ultimate views. With that society he (Mr. Osborne) need not tell the House he had no connection, and he knew nothing of it, except that the head of the society, Dr. Foster, was a man of great erudition. But was the existence of that society an argument why they should refuse to do an act of justice and expediency on a particular point? He had listened with attention to the speech of the hon. Member for Kent (Mr. Deedes); but he thought he might say, though the hon. Member relented, the Ecclesiastical Commissioners repented. But he was prepared to deal with this question in reference to the actual legality of the tax. Blackstone said that out of the ancient division of tithes into four parts, one part was appropriated to the maintenance of the fabric of the church; but that in process of time this burden was shifted on to the parishioners. Lord Campbell, when he was Attorney General, gave a decided opinion that it had been gradually imposed on them, and then enforced by ecclesiastical censure; it was an ecclesiastical encroachment, and no part of the common law of the land. But he asked any hon. Gentleman in that House, was the state of the law as it at present stood satisfactory. Had they not for twenty years been bringing in Bills on that subject which had constantly been rejected? What was the use of keeping up the present agitation when they knew very well that the fabric of the church was in no danger from the abolition of church rates? Take the case of Boston. Boston was one of those towns where the church rate was levied on stock-in-trade, and the excitement was so great that it amounted almost to a rebellion. For twenty years there had been no rate in Boston; and what was the consequence? The parish church had been put in a thorough state of repair, £12,000 had been raised, and two new churches had been built into the bargain; and all this by voluntary subscriptions. The same was true of other towns, and to suppose, with the example of Scotland before us, where £3,900,000 had been subscribed to the Free Church, that the fabrics of the establishment would not be kept up by voluntary aid, was to libel the people of England. He could not understand why the Government were not prepared to settle this question on the principle of total abolition. In 1833, Lord Derby, experimenting *in corpore vili*, had applied this principle to Ireland by the abolition of vestry cess, and why might not the noble Lord extend the same legislation to the church rate in England? He quite agreed that the time for compromise had gone by, and, in the words of the hon. Member (Mr. Beresford Hope), he urged the House, in the name of peace, charity, and justice, to abolish these rates, in the confident belief that the Church would not thereby suffer.

MR. STUART WORTLEY said, he was anxious to state his views upon the question before the House, because he had always contended against the total abolition of church rates, and he had been anxious to obtain a compromise, and with that view had supported the measure lately introduced to the House by the right hon. Member for Cambridge University, in the hope that it might be possible in Committee to effect such alterations in the scheme as would lead to a satisfactory settlement. But after the strong opinion the House had expressed, he could not help feeling that so far as it was concerned all hope of compromise was gone. He did not mean to say that they were resolved to adopt the hon. Baronet's Bill "pure and simple," but he took the late division as an absolute declaration on the part of the House that this disease which had so long festered in the community would yield to no remedy but absolute excision. He did not think that the present system was an injustice to Dissenters. This tax was sometimes designated a charge upon property, and sometimes a personal charge. If it was a charge upon property, it must be remembered that on that account the property had been obtained cheaper. His chief objection to the measure lately before the House was on account of its exemption of Dissenters on a mere declaration of their conscientious objection. There might be individuals who had conscientious scruples against the rate, but he was afraid there were many others who took refuge under that pretence. His objection to the Bill, therefore, was, that it afforded a premium not only to the honest but to the mercenary Dissenter. If that Bill had gone into Committee, he (Mr. S. Wortley) should have liked to propose an Amendment on one portion of it, which seemed to deprive the Church of its national character, inasmuch as it shut the door against any hope of reconciling men who had once made such a declaration to the pure doctrines of the Establishment. It now seemed to him to be the duty of Parliament to take some decided step, as the hope of compromise was gone. After much deliberation he had arrived at the decision not to oppose the second reading of this Bill, though he guarded himself against saying that he should eventually support it unless provisions were introduced which would greatly improve it. He thought a great mischief would be effected unless this measure were accompanied by some provision to secure the maintenance of the fabric of the Church in those agricultural and poor parishes where there were no rich men, and where local funds could not be raised for the purpose. If church rates were abolished generally, those proprietors who had bought their land cheaper, owing to the existence of the impost, could surely raise no objection if that portion which operated practically as a tax on property were retained. The charge might in that case be made easily redeemable, and might be set aside as a fund for maintaining the fabric. He would rely upon the zeal of the Church of England to supply the local funds for Church purposes, and he did not see why some such auxiliary fund as Queen Ann's Bounty, or the Church Building Society, might not be called into existence to support the church fabrics. There could be no doubt that in the populous parishes the generosity of the Churchmen would be such that the Church would be supported in a far more satisfactary manner than at present. Church rates were not coeval with the establishment of the Church in this country, for the old books made mention of the offerings by which the Church was supported. To do away with church rates, therefore, was not to abandon the principle of supporting the Church. The offerings to which he alluded were not only the christening and burial fees, but the offertory at the Communion and Easter offerings; and although some of them, such as the christening fees, and the burial fees, had assumed a legal shape, yet the Easter offerings and the offerings at the Communion were quite voluntary. In many parishes the clergymen were principally supported by voluntary contributions, but the Church in those parishes was just as much the church of the people as anywhere else. This was the case in his own parish. The Rectors of that parish, the Dean and Chapter of a great cathedral, derive from it £400 a year; but they had sold the tithe to the Ecclesiastical Commissioners, and all that the clergyman received of that £400 was £40 per annum. Everything which he had beyond that sum was supplied by the voluntary contributions of his parishioners, by which means also a curate was found for him. He must guard himself against being supposed to desire to give to the parishioners a choice of their minister, but he could not see that this Bill endangered the principle of an Established Church. There could be no doubt that the continuance of church rates was a great grievance, and that their abolition would not affect the fabrics of the Church. Down to the time of James I. the fabric was maintained by voluntary contributions, and that monarch used to contribute a gold coin, which was now converted into an annual payment of £50 for the poor. It had been agreed on all hands that church rates were the source of great excitement, injury and ill-will in the country. There was no reason to doubt that the feeling of the great masses of the population towards the Church was such that were the present mischievous machinery removed, by their voluntary munificence not only would the present churches be maintained, but new spires would rise in all parts of the country. He believed that if church rates were abolished not only would they get large contributions from the Churchmen, but that many honest and scrupulous Dissenters, who differed from the Church of England rather as to matters of discipline than of doctrine, would contribute to its support. There were already instances of this. The Duke of Norfolk had freely given sites for Protestant churches in Sheffield; the hon. Baron who sat for the City of London

(Baron L. Rothschild) had contributed to the support of the Established Church, and another hon. Friend of his had not only contributed to the expenses of the services in St. Paul's cathedral, but had, at an expense of several thousand pounds, founded a scholarship in a school in the City in which it was known that the doctrines of the Church of England alone were taught. He could not hope for many contributions from the class of Nonconformists of whom the hon. Member for Sheffield (Mr. Hadfield) was a type; but there were, he believed, many Dissenters whose love for religion was such that they were ready to bring all differences of opinion in the support of measures having in view the great object of the general worship of God.

MR. SIDNEY HERBERT said, he did not care whether church rates were in their origin legal or illegal; they had to deal with church rates, not as regarded their origin, but as they stood at the present time. Church rates are legal now, but they had altered their character greatly within the last few years. They used to be regarded as a charge on land; but now that they could no longer be imposed except by the consent of a majority, he need not say they were no longer a certain charge on land. He did not think they could class church rates with tithe. Tithes were property. The parson's right was as good as the squire's every inch, and what was more it was often a good deal older. Church rates, however, were very different. Of late it had been decided that no community need pay the rate unless it pleased them to do so, which was quite a different thing from the payment of tithes. Nothing could be more fatal to the interests of the Church than coupling such things together. By so doing they might destroy tithes, but could not save church rates. It was admitted on all hands that the present state of the law in respect to church rates was unsatisfactory; but so it was upon many other points, and before he agreed to any change he wished to compare the present state with that which would exist if the proposed remedy was adopted. The rule that a majority should decide, although it might sometimes bear hardly upon minorities, was common in our institutions, and the question was whether the inconvenience of the present system was so great that there must either be entire abolition or immediate measures which, he thought, were no remedies at all. He regretted that he had been unable to support the Bill, brought in with the best intentions, by one whom the whole House respected. But it did appear to him that the present state of the law was preferable to that which would have existed if the measure had passed into law. At present town communities desiring not to pay church rates could decide not to do so, while rural districts which chose to pay them could do so; but the effect of the right hon. Gentleman's (Mr. Walpole's) plan would have been that in those parishes (and they would be only few) where landlords chose to charge their property there would be funds, while in all towns where no such charge could be expected the present state of things would continue. The position now was — in large towns church rates were virtually abolished; in rural districts they were paid and cheerfully paid. In that state of circumstances he was in no great hurry to alter the law; he would wait until he saw something better. All plans of exempting Dissenters upon a declaration of non-conformity were wrong, for he could not see why men should be called upon to show what are or are not their religious opinions. Neither could he admit that church rates were a question entirely between Dissenters and the Church. One-half of the people in great towns who never went to church nor chapel, and never paid church rates, were not Dissenters, but they voted against the rates as most men would vote against all rates if they had the power of deciding upon the particular taxes levied upon them. The great objection raised to church rates was, that men were called upon to contribute to the support of a church with the tenets of which they did not agree. He felt that as far as it went that was really a grievance. But what would this Bill do? It would abolish church rates at once. Dissenters would be relieved; but how would Churchmen stand? They would be still left open to all the machinery of the parish vestry. Churchmen might subscribe, but the vestry might step in and interfere with the distribution of the funds thus contributed. The fact was, although there had been much hesitation in admitting it, that the Church of England was parochial in the country and congregational in towns; that was an admission made openly by the Bill lately brought in by the Government. Churchmen were loth to make it because it was so far admitting that the Church of England was not the National Church. The first approach that he had seen to a fair and equitable settlement was contained in the propositions submitted to the House on a previous evening by the hon. Baronet the Member for Bath (Sir Arthur Elton). Any attempts to charge land for that purpose would be nugatory — simply to relieve persons upon the ground of religious opinion would never be accepted by that House. If he could have his own way, he would abolish church rates in towns and continue them in the country. What is wanted is a congregational law in towns, and the hon. Member for Bath proposed that congregations should in that case, have the right of managing their own affairs without the interference of the vestry. Why not let every parish decide for itself whether it would have such a congregational law or not? Ultimately, he admitted, that might put an end to church rates in every place—in towns at once, and in rural districts sooner or later, but that would depend on themselves. It was quite certain that ultimately church rates in their present form must be abolished, and he confessed he did not regard that circumstance with much alarm. He had confidence in the public spirit and zeal of his countrymen, and not the least of Churchmen, and did not doubt that, although in some cases fabrics might fall to decay, the mass of the churches of this country would be well maintained. At the same time he desired that justice should be meted out equally to the Churchmen as to the Dissenters, and he would not abolish the present law without providing for the former some substitute by which they could apply their voluntary offerings as they thought fit, and until some such provision was made he should feel it his duty to vote against the present measure.

Mr. PACKE said, he feared that if church rates were abolished, not a few of the fabrics would fall into decay: for he apprehended that the generosity which was represented to exist among the members of the Church was not quite so extensive as was supposed. At any rate he observed from returns during the last seven years, that the bankers and merchants of the City of London had only contributed £5,500 to the repairs of the churches of the metropolis, while the amount raised by rates was £80,000. It appeared to him that the Liberation Society had exercised a considerable influence over the Members of the House. He had carefully read the evidence taken before the Committee of 1851, and he did not think it bore out the assertions of the supporters of the present Bill. The hon. Member for Tavistock, when moving for that Committee, said that whatever the mode of providing funds for the repair of churches might be, it ought to be regular and uniform. That was before the Liberation Society had been established. Was the present opinion of the hon. Member consistent with that sentiment. It was quite the reverse, instead of maintaining his previous opinion, he now introduces a measure for the simple abolition of church rates. It was alleged that voluntary subscriptions would keep in repair the churches of parishes in which church rates were abolished. Let them see was this assertion founded upon fact. He found by one of the published Returns that there were upwards of 10,000 churches in England, of which there were no less than 1607 out of repair. It appeared, too, that in many of those towns in which church rates had not been levied the churches were out of repair. In Northampton there were three churches out of repair; in Leicester, two; in Birmingham, three; in Manchester, two; in Nottingham, one; in Leeds, one; in Bolton, two; in Liverpool, two. The same state of facts was to be found in Carlisle and other large towns. Since he had been a Member of that House, and that was not a few years, he had never known a more groundless opposition than that to the Bill of his right hon. Friend the late Secretary of State for the Home Department. He could conceive that it must be painful to Nonconformists to pay church rates; but he was surprised that those who were members of the Church should vote for a Bill which should have the effect of lessening the means existing for the maintenance and repairs of churches. He was not a little surprised either at some of the names he found on the division list amongst the votes against the Bill of his right hon. Friend. He was persuaded at all events, that the right rev. Prelates in the Upper House would never consent to a measure which would deprive the Church of one of its most important sources of revenue.

Mr. GREENWOOD said, that no one was more strongly attached to the Church of England than himself, but there were times when he thought it was not only prudent and politic, but proper to waive privileges and not to insist upon rights, and such a time had, he believed, arrived with reference to church rates. They were well acquainted with the difficulties and dissensions which attended the collection of those rates, and the dislike with which they were regarded in many parishes. He thought, therefore, that it became the duty not only of every Churchman but of every Christian to use his best endeavours to restore peace and goodwill, and on that ground he would vote for the Bill of the hon. Member for Tavistock. The right hon. Member for the University of Cambridge (Mr. Walpole) and the right hon. Member for Morpeth (Sir G. Grey) had both made unsuccessful attempts to settle the question, and he wished it to be understood that in voting for the Bill of the hon. Member for Tavistock he did so from a desire to meet Dissenters half-way, and for the sake of peace and harmony.

Lord JOHN MANNERS said, he thought it must be admitted, with the hon. Member for Dovor (Mr. B. Osborne) that the time for compromise had gone by —at all events for the present—and he was willing to take the issue on the second reading of this Bill. It was impossible not to see and to admit that a very great change had taken place not only in the bearings of the question itself but in the arguments by which it was supported. Formerly they were told that church rates ought to be modified or abolished in order to meet the conscientious objections of Dissenters. Whatever else might be said of the Bill of his right hon. Friend (Mr. Walpole), it must at least be admitted that its effect would have been to relieve those conscientious objections, and to remove parochial dissensions and social differences. It had been defeated, not by Churchmen, but by Dissenters. The conclusion to be drawn from that fact was that the necessity for a change in the law no longer existed on the grounds formerly advanced by the opponents of church rates, and they must look elsewhere for the reasons which prompted the hon. Baronet the Member for Tavistock and those who supported him. Those reasons were to be found very broadly advanced in a publication to which he (Lord J. Manners) would not more particularly advert. They were that church rates should be abolished, first, because they were an absolute injustice to every one ; and, secondly, not so much as being objectionable in themselves, as because they were part of a system the abolition of which was an object for which the Dissenters frankly avowed they intended to struggle—namely, the Established Church. He wished to take issue on these two grounds. He denied that it was any injustice to continue on landed property one of its most ancient imposts; and, in the second place, he said that it was the bounden duty of all who had the interest of the poor of the country at heart, and who desired to maintain the most honoured institutions of the country, to resist those who were looking forward to that which he might regard as the object of the Dissenters on the present occasion. He accepted the issues placed before him, and protested against the further progress of a Bill which would, he thought, inflict a gross injustice on the poor Church-people of this country. It appeared to him to be a most unnecessary and unwise policy to put into the pockets of the landlords of England funds which now went to provide the poor with that to which they were entitled. This Bill went to affirm that church rates were an injustice to every one, and was further intended as a step in the disestablishing of the Church of England ; and for these two reasons he asked all Church people, whatever their views on the different compromises might be, to join Her Majesty's Government in resisting the further progress of the measure.

Sir JOHN TRELAWNY, in replying, asked the noble Lord who had just addressed the House whether the abolition of the vestry cess in Ireland had had the effect of destroying the Church in that country ? So far from that it had had the effect of maintaining it to the present day. The right hon. Member for Bute (Mr. Stuart Wortley) said it was not impossible that some clause might be introduced in Committee to make the abolition more acceptable to the Church. If he had any clause of that sort he should be disposed to give it due consideration.

Question put, "That the word 'now' stand part of the Question."

The House *divided.*

The Tellers being come to the Table, Sir John Trelawny, one of the Tellers for the Ayes, stated that Mr. Antrobus, Member for Wilton, not having heard the Question put, had not voted. Whereupon Mr. Speaker directed the Honourable Member for Wilton to come to the Table, and again stated the Question to him ; on which the Honourable Member declared himself with the Ayes, and Mr. Speaker directed his vote to be added to the Ayes.

The Tellers accordingly declared the numbers—Ayes 242 ; Noes 168 ; Majority 74.

List of the AYES.

Adair, H. E.
Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Ayrton, A. S.
Bagshaw, R. J.
Bailey, C.
Baines, rt. hon. M. T.
Baker, R. W.
Baring, H. B.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Biggs, J.
Black, A.
Blake, J.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Bury, Visct.
Butler, C. S.
Byng, hon. G.
Calthorpe, hon. F. H. W. G.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Clay, J.
Clifford, C. C.
Clifford, Col.
Cobbett, J. M.
Codrington, Gen.
Coke, hon. W. C. W.
Colebrooke, Sir T. E.
Coningham, W.
Cowper, rt. hon. W. F.
Cotterell, Sir H. G.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Dalglish, R.
Davey, R.
Deasy, R.
Denison, hn. W. H. F.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewing, H. E. C.
Finlay, A. S.
FitzGerald, rt. hn. J. D.
FitzRoy, rt. hon. H.
Foley, H. W.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
French, Col.
Garnett, W. J.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Graham, rt. hon. Sir J.
Greene, J.
Greenwood, J.
Greer, S. M'Curdy
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, C.
Hanbury, R.
Hankey, T.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marq.
Hatchell, J.
Headlam, T. E.
Heneage, G. F.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Ingram, H.
Jackson, W.
James, E. J.
Jervoise, Sir J. C.
Johnstone, Sir J.
Keating, Sir H. S.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen E.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Levinge, Sir R.
Lindsay, W. S.
Locke, Joseph
Locke, John
Luce, T.
Macarthy, A.
MacEvoy, E.
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Melgund, Visct.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
Onslow, G.
Osborne, R.
Paget, C.
Paxton, Sir J.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pugh, D., Carmerthen C.
Ramsay, Sir A.
Ramsden, Sir J. W.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, H.
Russell, A.
Saint Aubyn, J.
Salisbury, E. G.
Salomons, Ald.
Samuelson, B.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Slaney, R. A.
Smith, J. A.
Smith, rt. hn. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Somerville, rt. hon. Sir W. M.
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sykes, Col.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tomline, G.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Walter, J.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Wortley, rt. hon. J. S.
Wyld, J.
Young, A. W.

TELLERS.
Trelawny, Sir J.
Cox, W.

List of the NOES.

Adderley, rt. hon. C. B.
Akroyd, E.
Arbuthnott, hon. Gen.
Baillie, C.
Baillie, H. J.
Bernard, hon. Col.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Boldero, Col.
Botfield, B.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir Hugh M'C.
Calcraft, J. H.
Carden, Sir R. W.
Cartwright, Col.
Cecil, Lord R.
Child, S.
Christy, S.
Churchill, Lord A. S.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Cole, hon. J. L.
Corry, rt. hon. H. L.

Cross, R. A.
Curzon, Visct.
Davison, R.
Disraeli, rt. hon. B.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, W.
Elcho, Lord
Elmley, Visct.
Emlyn, Visct.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Fellowes, E.
Ferguson, Sir R.
Forester, rt. hon. Col.
Forster, Sir G.
Gard, R. S.
Gladstone, rt. hon. W.
Goddard, A. L.
Graham, Lord W.
Greaves, E.
Griffith, C. D.
Grogan, E.
Gurney, J. H.
Haddo, Lord
Hall, Gen.
Hamilton, Lord C.
Hanbury, hon. Capt.
Handley, J.
Hardy, G.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, rt. hon. S.
Hodgson, W. N.
Hopwood, J. T.
Hornby, W. H.
Hotham, Lord
Hudson, G.
Hume, W. W. F.
Ingestre, Visct.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightly, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Lefroy, A.
Legh, G. C.
Lennox, Lord A. F.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, A. E.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Macartney, G.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Pakington, rt, hn. Sir J.
Palmer, R.
Patten, Col. W.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Pugh, D., Montgomery
Puller, C. W. G.
Robertson, P. F.
Rust, J.
Scott, H. F.
Scott, Major
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smollett, A.
Spooner, R.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Taylor, Colonel
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Welby, W. E.
Whitmore, H.
Wyndham, Gen.
Wynn, Col.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Deedes, W.
Hope, A. J. B.

Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday* next.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at five minutes after Six o'clock.

HOUSE OF COMMONS,

Wednesday, March 16, 1859.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (£1,222,383 8*s.* 9*d.*); Consolidated Fund (£11,000,000); Ecclesiastical Courts and Registries (Ireland).
2° Bankruptcy and Insolvency; Registration of County Voters (Scotland); Elections, &c.; Saint James Baldersby Marriages Validity.
3° Recreation Grounds; Mutiny; Marine Mutiny; County Courts.

BANKRUPTCY AND INSOLVENCY BILL.

SECOND READING.

Order for Second Reading read.

LORD JOHN RUSSELL moved that the Bill be now read a second time.

MR. BAINES said, that as the representative of a very large mercantile community, he wished to express shortly what he understood were their feelings and views with regard to this subject, and not only theirs, but those of the commercial communities in the north of England, as far as they could be ascertained. Their opinion was, that the Bill which now stood for second reading was likely to be an extremely valuable measure, as supplying a defect in the law under which the mercantile classes in the north of England, particularly, had for a long period been suffering. He could truly say that he had never visited his constituents since he had had the honour of representing them without hearing from quarters which were entitled to the greatest possible respect and confidence, the loudest complaints with regard to the existing Bankruptcy and Insolvency Laws. He did not think there was a point upon which they were more perfectly unanimous than that; and he believed that the defects pointed out in the petition which he had presented to-day, were exactly those which it was the object of the Bill to remedy, and which, if the Bill went into Committee, it might be made effectual to remedy. When he stated that in the district which he had the honour to represent, it had been proved by a gentleman of the highest character—one of the Bankruptcy

Commissioners—that under the present system there was a waste of no less than about 50 per cent of the whole of the assets proceeding from bankrupt estates, the House would see that it was high time that some remedy should be applied to that state of things. It had been stated distinctly by those who were most competent to form an opinion on the subject, that no less than 50 per cent on the average was waste, arising from the mode of working bankruptcy under the present system, and the litigation which was almost naturally and necessarily engendered by that system. They were decidedly of opinion that the preposterous distinction which had hitherto existed between insolvency and bankruptcy should be done away with for ever. They were also of opinion that the complications of the present Bankruptcy Law should be got rid of, and that it was of the utmost importance that the code should be made simple, plain, and intelligible, instead of being, as it was now, complicated, obscure, and unintelligible. The Bill of the noble Lord, and the schedule, repealed not less than twenty-eight different Acts and portions of Acts of Parliament, in which, besides a great variety of decisions upon the subject, the existing law was to be found. One great recommendation of the Bill in the view of those whom he (Mr. Baines) represented was, that it proposed to bring to an end this complicated system of law, and reduce to one Act of Parliament what would henceforth be the statutory law of England upon the subject. In the Bill which had been introduced into the House of Lords by the Lord Chancellor, this had been unwisely lost sight of. That proposed to add one more to the existing Acts upon the subject; whereas the Bill of the noble Lord had this great merit, of a first-rate character, that it reduced into one Act of Parliament the whole of the statute law respecting bankruptcy and insolvency. It would have the effect of doing away with the distinction between bankruptcy and insolvency, and of supplying a remedy which had hitherto been greatly wanted with regard to the mode of rendering productive the estates of insolvents or bankrupts after their death. It would facilitate those voluntary arangements which it was the very essence of every bankruptcy and insolvency system should be in the power of the creditors. At present there were so many difficulties thrown in the way of arrangements of that kind, that in many instances they became absolutely impracticable. Moreover, the Bill would have the effect of lessening materially the expense of the system—an evil under which the commercial community were everywhere groaning from one end of the country to the other. He apprehended that the Bill, with such Amendments as might hereafter be introduced into it, would supply an ample remedy for these evils. There were, then, two points upon which those whom he represented wished to insist, and which he humbly considered deserving the serious attention of the House. The first was that the law should be consolidated into one Act, and made simple, clear, and intelligible; and secondly, that there should be no unnecessary delay in introducing a remedy for the state of things under which the commercial community were now so generally suffering.

THE ATTORNEY GENERAL said, he was inclined to concur in much that his right hon. and learned Friend had said; and certainly in nothing more than in the statement he had made of the urgent and overwhelming necessity for some extensive alteration in the laws of bankruptcy and insolvency. He conceived, however, that it would be somewhat premature at that moment to say more than that, to this extent he quite agreed with his right hon. Friend; and he thought that with regard to the main principles of the Bill of the noble Lord the Member for London, to whom the House and the country were indebted for its introduction, there could be no doubt they were entitled to the favourable consideration of Parliament. Upon the first point to which his right hon. Friend had particularly alluded, namely, the great and useless expenses which were now incurred in bankruptcy, he would merely observe that while a serious evil was sought to be remedied by the Bill, he could not but hope that when the measure which was now before the House of Lords came down to this House and both Bills went before it, a great deal more would be effected. Much difference of opinion prevailed with regard to a number of points which were involved in that important question, the expenses incurred in bankruptcy. Whether they should diminish these expenses by doing away altogether with the per-centages; whether they should confine themselves to the reduction of fees; or in what particular way they should diminish those expenses which his right hon. Friend had certainly not exaggerated when he said that in many instances they were full 50 per cent on the total amount of the assets —all these were questions which it would be premature to consider now, but to which no doubt the attention of the House would be called whenever the Bill went into Committee. Another point to which his right hon. Friend had alluded was the total abolition of the present distinction between traders and non-traders, bankrupts and insolvents. In reference to that point he agreed with the noble Lord (Lord J. Russell) and his right hon. Friend, that that Amendment ought to be embodied in any Bill which should receive the sanction of Parliament. With respect to the consolidation of the law of bankruptcy, to which his right hon. Friend had also adverted it would hardly be supposed that he (the Attorney General), who was anxiously awaiting the opportunity of bringing before the House a scheme for the consolidation of the entire statute law of the United Kingdom would raise any objection on principle to the consolidation of the bankruptcy laws; but as to this particular measure, when the Bill went into Committee, by which time he hoped the other Bill would have come down from the House of Lords, he should have an opportunity of stating the views he entertained upon the question. By that time he hoped that a series of Bills for the consolidation of one great branch of the statute law would have been laid before the House, and that he should be in a position to go into the whole subject and dealing with this Bill as a part only of that subject, submit to the House the question whether this should be merely an Amendment or a Consolidation Bill. He would take the liberty of suggesting to the noble Lord that, after the second reading of the Bill, to which he (the Attorney General) of course offered no objection, no further step should be taken until the other Bill alluded to was before the House, which, he expected, would be within a very few days. Then both Bills could be brought at once under the consideration of the House, and he hoped the result would be the completion of a Bankruptcy and Insolvency Bill which would give entire satisfaction to the House and the country.

MR. VANCE said, that from personal knowledge, he was able to confirm what the right hon. Gentleman (Mr. Baines) had stated respecting the opinions of the mercantile community both in England and Ireland, with regard to the present state of the bankruptcy and insolvency laws. He believed it was perfectly true that the expenses in bankruptcy were as much as 50 per cent of the assets, and that at least one half in that amount was owing entirely to the forcible system of realisation of assets which was unavoidable. He must, however, mention a few objections to the provisions of this Bill, which had occurred to him. There was a strong feeling in favour of the jurisdiction in bankruptcy being given to the County Court Judges; but when they considered that those Judges possessed little previous knowledge of the law, and had had little opportunity of practising in the Bankruptcy Courts, it must be admitted that they were entirely inexperienced in bankruptcy matters, and that they would not for a long time be able to adjudicate to the satisfaction of the public. We had already a large number of Commissioners of great experience in bankruptcy, and to them he confessed he would prefer leaving the management of these questions. He was also sorry to observe in the noble Lord's Bill a clause which excepted from the provision as to the distribution of estates of deceased insolvent's cases in which the administration was disputed. The clause took away all power of control by the Bankruptcy Court where there was a dispute relative to the proper administration of the deceased's effects—that was as to who might be his executor or administrator. The consequence would certainly be that, for the purpose of preventing the assets being divided by the Bankruptcy Court, suits would be got up, and that they would always find a dispute about the administration in order to evade the operation of the Bill. Another clause to which he objected was the 284th, which enacted that the creditors were to meet and pass a resolution with regard to the conduct of the assignee, after which the said assignee was to apply to the Court for his discharge. Why, there was not a mercantile man of standing in the country who would consent to be a creditor's assignee, if a judgment was to be passed upon his conduct by the general body of creditors, who might have interested motives in passing an adverse judgment, whilst he was not to be discharged from the liability of his office until he had obtained the sanction of the Court. He was satisfied that that would prevent many persons from being trade assignees at all. Another clause to which he objected was the 261st, by which Friendly Societies would have a preferential claim on a bankrupt's estate to be paid in full. He (Mr.

Vance) did not see why Friendly Societies who entrusted their property to a bankrupt should have such a preference. In his opinion it would be the introduction of a very false principle. He also objected to the clause which proposed to allow a person to become a petitioning creditor whose claim amounted to £20. This he (Mr. Vance) considered to be much too low. It would enable any hostile creditor to involve all the other creditors in the expense of a commission of bankruptcy. He noted also in the Bill a long list of superannuations which were to be paid out of the Consolidated Fund. Now he did not object to these charges being placed on the Consolidated Fund; but he really thought that House ought to know what it was about before it consented to pass this Bill. The aggregate amount of the compensations would be exceedingly heavy. Further, he observed a long list of penalties for crimes in bankruptcy, respecting which he would suggest that wherever a debtor entered into a composition by deed, or his estate was wound up in bankruptcy, there should be a registry of the transaction, and the means of ascertaining how much every insolvent's estate paid in the pound. He believed that if by the payment of a small fee the public could ascertain whether a bankrupt had failed for 1*s.* in the pound or 15*s.* there would be no need for any other punishment, as future credit would be given to him exactly in proportion to the realization of his estate, and the strongest inducement would be held out for men when they got involved in difficulties to call their creditors together without delay.

Mr. J. D. FITZGERALD wished to say a few words on this question, having devoted a good deal of attention to it, and having two years ago introduced a measure somewhat similar for Ireland, on which, however, he admitted the present Bill was a very great advance. With some Amendments, which could only be made in Committee, he thought this Bill would be a great improvement on the present state of the law. The Bill which he had passed for Ireland, like the present Bill, abolished the Insolvent Debtors' Court and fused insolvency and bankruptcy, and the result had been most remarkable in simplifying the state of the law, in consolidating the courts, and in reducing the expense. It was a remarkable fact, that whereas in 1848 the petitions for relief in insolvency in Ireland amounted to 3007, in 1858 they were only 450; while the business proper to the Court of Bankruptcy had increased fourfold from what it was the year before the Bill passed. There was one clause in the Bill from which he anticipated great benefit, by which suitors in the Court were enabled to wind up the estates of deceased debtors. At present that could only be done by a petition to the Court of Chancery, which was both a tedious and expensive process, which would be greatly simplified and reduced in expense by this clause. The abolition of the Insolvent Debtors' Court was a large step towards an object which he hoped soon to see wholly accomplished—the abolition of arrest for debt, except in cases of fraud. Another great advantage was the facilities offered for friendly arrangements accompanied with a due regard for publicity, which would enable the public to know what was done. He hoped that as the Bill proceeded through Committee it would receive some improvements which it still needed, and he would particularly suggest that the punishment of dishonest debtors, while it was mitigated in amount, should be rendered still more certain. As a proof of the advantages derived from the Irish Bill, he might state that the banks and great mercantile companies now considered that it was better to take estates into the Bankruptcy Court than to wind up by a friendly arrangement.

Mr. CRAWFORD said, he did not intend to enter into the general question, but he wished to state to the House that he was present at a large meeting of all the great trades of the country, held yesterday in the City of London, and the conclusions at which that meeting arrived he believed were entitled to great weight with the House. A committee of these bodies had been appointed to consider the two Bills now before the country—that of the Lord Chancellor, and that of the noble Lord now before the House. That Committee, representing the great mercantile interests of the country, considered both Bills, and the conclusion at which they arrived was that the Bill of the Lord Chancellor ought to be opposed, and that the Bill of his noble Colleague, with a few Amendments, ought to receive the support of the country. The meeting held yesterday concurred in the opinion of the Committee, and he thought that conclusion was entitled to great weight with the House.

Mr. COWAN thought the noble Lord was entitled to great credit for the immense labour and trouble he must have encountered in the preparation of this important measure. As a trader who had a good deal to do with England and Ireland, as well as Scotland, he hoped the day was not distant when there would be a great assimilation, if not a complete amalgamation of the bankrupt law of the three kingdoms. As an instance of the necessity that existed for this, he would instance to the House the cases of certain swindlers who had perpetrated their frauds on this side the Tweed, and then took refuge from their creditors in Scotland, often in the Hebrides, a kind of sanctuary where they set their creditors at defiance, on a pretext that they had been traders in Scotland for six or eight weeks. Large bodies of creditors were put to enormous expense and inconvenience by this course, and the learned Lord Advocate knew well how much of the time of the Scotch Courts had been occupied by these disgraceful proceedings. He hoped this Bill would be so altered in Committee as to prevent those villains—for they deserved no other appellation—thus fleeing from justice and cheating their creditors. He also thought the Bill should contain some provision to punish those traders who adopted what was now a growing evil, of keeping no books—very often for the direct purpose of perpetrating fraud.

MR. MOFFATT said, that the mercantile body must feel grateful to the noble Lord for the introduction of this measure. No doubt it was a comprehensive, and some might think it a cumbrous scheme; but it had to deal with a very extensive and defective system which had grown up in the lapse of time. That which was wanted was not a resuscitation of the old law but an entire and total renovation, so as to meet the exigencies of trade and provide a cheap and summary mode of punishing fraudulent debtors, and this Bill, though it had many good points, was susceptible of much amendment. It was proposed to assimilate bankruptcy and insolvency, and mix them up before a common tribunal. But to attempt to do so was to attempt to mix up two things of dissimilar nature, and if the plan were persevered in, he predicted that the present bankruptcy Bill would be as great a failure as the last. In the main it perpetuated the old administration. The mercantile community were unanimous in thinking that the Courts of Bankruptcy ought to be raised to the dignity and importance of the other courts of justice. The present system, which might be useful in winding up large estates, was utterly useless in dealing with small ones. He considered that powers ought to be introduced to punish, in cases of fraud, similar to those given to the Commissioners in Insolvency who could imprison a fraudulent debtor for three years. Looking to the many objections which had been taken to the Bill out of doors, he thought the best course to adopt would be to refer it to a Select Committee, as the House could not possibly deal with a measure of this sort containing 480 clauses.

MR. AKROYD contended that the Bill had already been subjected to the test of Select Committees out of doors, for it had been examined by legal gentlemen and men of business, who had themselves suffered by the present law. It had been discussed in the Chambers of Commerce of all the great towns throughout the country, and they were all in favour of the Bill. One of the evils of the present law was that 90 per cent of all cases of insolvency were settled out of court, and not more than 10 per cent came before the proper tribunals, so that the law as it stood was practically inoperative. One of the advantages of the noble Lord's Bill was that it gave the creditors the power of self-management, and another was that it greatly reduced the expense—in this respect following the Scotch system, which in all matters of economy was greatly ahead of the English system. He looked also with great satisfaction on those provisions which allowed certain cases to be submitted to the County Courts, where they would be examined by tribunals in the locality, and by which the various classes of trade frauds would most certainly meet with their appropriate punishments. He regretted to say that a class of traders were making their appearance who could only be described as gamblers in trade, who were more like gamblers on the turf than men engaged in mercantile transactions, and to meet their case, he thought it was desirable the Bill should authorise an examination as to the past conduct of the bankrupt or insolvent, and then the law, while it gave protection to the prudent man who had been really unfortunate would stigmatize the trader who had conducted his affairs in a fraudulent manner, and had gambled with the money of other persons. He would give the noble Lord his cordial support, and he could assure him that the feeling of the north of England was in favour of his Bill in preference to that of the Government.

Mr. HEADLAM was anxious to say a few words on this subject, as representing a large trading community in the north of England, where they were most anxious for an amendment of the present law. It appeared that they were all agreed upon the main principles of this Bill. The hon. and learned Attorney General said that the Bill did not go far enough in the way of diminishing the expense. He (Mr. Headlam) thought they had gone as far as possible; but if the Government could suggest any further diminution the promoters of this Bill would be glad to adopt it. He had reason to know that the Amendments which had been suggested at the meeting in the City yesterday would be adopted by the promoters of the measure, and every effort would be made to make the Bill as perfect as possible.

Mr. CROSSLEY agreed with the hon. Member for Huddersfield, and others, that this was a question of the deepest interest to the whole community. At present there was a dread of going into the Bankruptcy Court, and if a creditor appeared and threatened to take the estate there he was often paid more than the estate would justify to get him out of the way. He would support the second reading of this Bill, as he believed that it was better than the measure introduced in "another place."

Lord JOHN RUSSELL thanked the House for the general expression of favour with which they had received his Bill. He was happy to hear from the Attorney General that he approved of many of the principles of the Bill, and he was happy to hear from his own Colleague (Mr. Crawford) and others that the commercial classes, as far as they were acquainted with its provisions, approved of the Bill. He had no objection to the proposition of the hon. and learned Attorney General that this Bill should not go into Committee till the House were in possession of, and had time to consider the provisions of the Bill that was coming down from the other House of Parliament. At the same time he hoped his hon. and learned Friend would not be led by any party affection to take part with that Bill against the present one, because he thought he could see that if left to his own unbiassed judgment his hon. and learned Friend would prefer this Bill to the other. The hon. Member for Dublin (Mr. Vance) had urged various objections which, for the most part, referred to matters of detail, except one provision, which he thought was of great importance—the power of sending a certain class of cases to the County Court. But the Bill provided that that could only be done by a majority in value of the creditors; and while he admitted the force of the objection that some of the County Court Judges might not have experience, on the other hand he thought it was of great advantage to be able to refer to a tribunal near at hand, and which would be productive of less expense and inconvenience. The hon. Member for Huddersfield (Mr. Akroyd), said, that not more than 10 per cent. of the bankruptcy cases came before the courts, and that the other ninety were settled by private arrangement. He thought no greater proof than this was needed of the inadequacy of the present state of the law. The hon. Member for Ashburton (Mr. Moffat) proposed to send this Bill to a Select Committee, at the same time that he objected to almost all the principles. The hon. Member should introduce a Bill of his own. For his part he should despair if the Bill were sent to a Committee up stairs, where they would waste probably three months, and then find that the judgment of the gentlemen composing it did not coincide with that of the House or the country. He thought that the House itself, having the advantage of the Attorney General to enlighten them, together with so many commercial men, would be able to decide fairly and impartially on all the questions involved. There was nothing political involved in this question, and, when the trade of this country was disgraced by gambling traders, he thought it of importance that the principles of the bankruptcy law should be authoritatively settled by the House itself. The hon. Member for Edinburgh (Mr. Cowan), had complimented him on the great labour he had taken in the preparation of this Bill. He could not appropriate that praise. The part he took was more consonant to his capacity with respect both to the law and the trade of the country. Persons connected with the trade of the country in all parts of the kingdom met together and consulted what the law ought to be; they submitted to him what they had agreed upon, and explained the principles on which they had proceeded; and when he convinced himself that their proposals were thoroughly rational he proceeded to frame the Bill, for their kind reception of which he had again to thank the House.

Bill read 2°, and *committed* for *Wednesday*, 30th March.

REGISTRATION OF COUNTY VOTERS (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

Sir EDWARD COLEBROOKE, in moving the second reading of this Bill, said he had waited for some time in the hope that Government would do something on this subject, but up to the present time there had been no intimation on the part of Government of what they intended to propose. If the Bill were now read a second time, however, he would not press going into Committee till the House saw what the measure of the Government would propose in this matter. He reserved to himself the right to deal with the question hereafter according to the circumstances which might arise; and with that understanding he had, in conclusion, to move the second reading of the Bill.

Bill read 2°.

The LORD ADVOCATE said, he had to state, on the part of the Government, that they did not object to the course proposed by the hon. Baronet. They wished it to be understood that they assented to the second reading of the Bill on the condition that the discussion on its principles should be taken on the Motion for going into Committee. If the English Reform Bill should be read a second time before Easter he hoped he should be able to introduce the Scotch measure previously to the same period; and he was enabled to state that it would deal with that matter of the registration of voters as well as with other subjects.

Bill *committed* for *Wednesday*, 6th April.

LUNATIC POOR (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Colonel GREVILLE said, that this measure departed in three essential particulars from the recommendations of the Commissioners who investigated its subject. The Commissioners had suggested, first, the establishment of a central board, to which should be intrusted the supervision and management of county lunatic asylums; secondly, that a change should be made in the constitution of the local governors; and thirdly, that an auditor should be appointed to examine the accounts. This Bill, on the other hand, proposed that the committee of visitors should be their own auditors; it also proposed that the General Board for the control of these institutions should be abolished, the only authority substituted being that of the Lord-Lieutenant in Council. The Commissioners had recommended that two-thirds of the local governors should be chosen by the grand juries, and the remainder by the Lord-Lieutenant in Council, whereas this measure vested the appointment of the whole number in the grand juries. The Bill would also transfer all poor lunatics now in workhouses, nearly 2,000 in number, to the county asylums, thereby throwing a charge, which was now divided between landlords and occupiers, entirely upon the latter. No doubt such a change would be beneficial to the lunatics themselves; but the landlords paid half the poor rate, whereas the occupier paid the whole of the county cess out of which the asylums were supported; and the occupiers had no voice in the management of the cess. If the Government would accede to the proposal of the right hon. Member for Ennis for referring this subject to a Select Committee he would be happy to withdraw the Motion of which he had himself given notice; but, as he had no such assurance, and as the measure violated the principle that representation should accompany taxation, he must now move that the House resolve itself into Committee on that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord NAAS said, this question had been fully discussed on the second reading, which was carried almost unanimously; and the present Motion was, therefore, an unusual attempt to defeat the measure. The principal objection taken by the hon. and gallant Mover of the Amendment was that the Bill did not carry out the recommendations of the Commissioners; but the hon. and gallant Gentleman could scarcely have read the Bill, or he would have seen that those recommendations had been entirely carried out in spirit, and also in almost all important particulars to the very letter. The composition of the Commission, over which Sir Thomas Redington, a consistent Liberal, had presided, was a complete guarantee that the Report had been drawn up without any bias towards the views of the party now in power. The first recommendation of the Commissioners was, that the management of lunatic asylums in Ireland should be transferred from the Executive in Dublin, to local bodies. This suggestion was strictly followed in the Bill. As the law now stood, these institutions were wholly under the control of the Executive Government, the ratepayers having no power of interfering until after the money had been expended. That was an insupportable state of things, and the Commissioners recommended that it should be at once done away with, and that the erection and management of county lunatic asylums should be intrusted to a body, two thirds of which should be appointed by the grand jury, and the other third by the Lord-Lieutenant. Whether this suggestion should be literally adopted, or whether it would be better that the whole number of visitors should be chosen by the grand jury, was surely a point that could fairly be determined when the measure was in Committee. With regard to the appointment of an auditor — another matter purely of detail—he had not thought such a provision necessary, inasmuch as the present system of checking the accounts was thoroughly efficient, and he had been anxious not to create any new offices. This latter consideration had no doubt deprived the Bill of the support of those who looked for new patronage, and therefore it had nothing to recommend it but its own intrinsic merits. The Commissioners reported in favour of removing all lunatics from gaols and workhouses, a step which would be effected as speedily as possible under this measure. These asylums had been sustained from the county rates since their first establishment, and the Commissioners had not felt themselves justified in advising that the lunatic poor should be supported from the poor rates. Such a proposal would not only destroy this Bill, but would necessitate a reconstruction of the Poor Law system in Ireland. He regretted to say that very limited accommodation indeed was provided in Ireland for lunatics belonging to the class of farmers and shopkeepers. This Bill provided that on the payment of a certain sum of money accommodation should be given to that class of lunatics in the asylums to be established by it. The Commissioners recommended that the law should be consolidated, and that had been done. The Bill repealed all former Acts relating to lunatic asylums in Ireland, and was a code which would be found sufficient for every purpose connected with these institutions. There was only one recommendation of the Commissioners which the Government had not adopted — namely, that as to the creation of a Central Board. The Government believed that the inspection of these asylums could be very efficiently discharged by the ordinary inspectors, and that nothing but harm would result from a constant interference by a Central Board with the management of these institutions. If, however, it should be found (but, from the care taken in their appointment, he did not think it would) that these inspectors did not properly discharge their duties, the Lord Lieutenant would have power under the Bill to send a lawyer or a doctor (whichever might be deemed the more suitable for the purpose) to any lunatic asylum as to the management of which complaints might reach the Lord-Lieutenant. A great deal had been stated in the public papers in opposition to the Bill, but the opponents of it had said very little about the state of the lunatic poor in Ireland. This Bill would provide for the increased accommodation of the lunatic poor. A great deal had also been publicly stated as to the excellent condition and management of the existing lunatic asylums; but the report of the Commissioners showed that in most of those asylums the accounts were most irregularly kept, that written regulations were set aside by verbal instructions, that the records of the condition of the unfortunate inmates were most irregularly kept, that many minute regulations for the management of the asylums were not attended to, that the ventilation was imperfect, that sufficient accommodation was not provided for the sick, that although many of the inmates were capable of receiving instruction it was not given to them, that the infirmaries were occupied as residences by the officials, or devoted to other purposes, and that some of the unfortunate lunatics were put under restraint in a manner totally at variance with the entire spirit in which lunatic asylums were managed in modern times. His Bill provided a remedy for that state of things. In the first place, it provided that the governor of an asylum should visit every part of it at least once a month, or oftener if possible. Then there was another provision which he thought would prove to be most efficacious. He proposed that the visitor of an asylum should make a yearly or half-yearly report of its condition to the grand jury of the district in which it was situate, and that that report should be printed and published, so that every one of the rate payers should be enabled to ascertain exactly what was the state of the asylum and of its inmates. On moving the second reading of this Bill he stated that the attendance of the governors of lunatic asylums in Ireland was very bad, and he would now repeat that of the 530 of these governors in the year 1856 only 276 attended the asylums at all. More than one half of the governors never set a foot in the asylums which were intrusted to their care. The meetings were usually held once a month. Exclusive of the governors of the asylum in Dublin, only twelve of the entire body of governors throughout Ireland regularly attended the meetings, only fifty-eight had attended the meetings once, about thirty had attended twice, and twenty-two had attended three times. Practically speaking, these institutions were managed by one or two gentlemen who lived on the spot. It was rarely that more than three governors interested themselves in the management of lunatic asylum. He hoped, therefore, that he had convinced the House that they ought, at all events, to proceed with the consideration of the Bill. Its principle was good, and it would set up a machinery by which these institutions would be efficiently and economically controlled. Where there were objections to any of the details, he should be ready to listen to suggestions of amendment in the Committee, and he therefore, hoped the House would go into Committee at once.

MR. J. D. FITZGERALD said, the Amendment of the hon. and gallant Member for Longford, if successful, would have the effect of defeating the Bill altogether. He thought it was the opinion of those on his (Mr. J. D. FitzGerald's) side of the House that such a result would be undesirable. He by no means appoved of the scheme of the noble Lord; but he knew that the present state of the law was bad, and, therefore, he thought that they should proceed to legislate upon this subject and in no party or political spirit. He appealed then, to his hon. and gallant Friend to withdraw his Motion; and with that understanding he invited the House to concur in the Motion that stood in his name—that the Bill be referred to a Select Committee. The alterations which he considered necessary were large, and affected the whole scheme of the Bill, and he therefore thought that they would be better considered by a Select Committee than by a Committee of the whole House. The Commission that had inquired into this subject was issued when his right hon. Friend the Member for Stroud (Mr. Horsman) was Secretary for Ireland. No doubt the Bill would carry out to some extent the recommendations of the Commissioners; but to many of their recommendations he had great objections. The law had hitherto been in a most anomalous state, the Act of *Geo.* IV. vesting the whole power in the executive; but the House would be astonished when he told them that the present Bill, the object of which was stated to be the transfer of the control to local bodies, actually left them no discretion whatever in the erection of asylums. In clause 9 of this Bill the Lord Lieutenant in Council might from time to time order any number of asylums for lunatics to be built and established. The grand jury would have no control, but would be absolutely bound to carry such order out. Now, he entirely objected to this provision, which he thought highly unsatisfactory and wholly inconsistent with the principles generally recognized in this country. He also strongly objected to the alteration proposed by the Bill of the existing law, as regarded the persons upon whom the expense of maintaining pauper lunatics should fall. Very few of the lunatic poor asylums were erected prior to 1838. The report showed that in Ireland the lunatic poor amounted in number to 9286, and all the accommodation afforded in the district asylums was only for 3824. It further appeared that there were 1707 in the ordinary workhouses. There were 3352 pauper lunatics, as contra-distinguished from the general lunatics, for whom provision was made. All the expenses attending the care of the existing lunatics, 3352, were paid by the county rate. There were then 1707 pauper lunatics at present maintained in the workhouses out of the poor rates. Half of the expense was borne by the occupier, and the other half by the landlord. There were still 3352 to be provided for. Now the noble Lord by his scheme proposed to throw the whole burden of their expense upon the shoulders of the occupier. The noble Lord proposed that the cost of providing asylums for 3352, as well as the 1770 in the ordinary workhouses, should be taken from the poor rates, and be paid by the occupier. The effect off this proposition would be to take from off the shoulders of the landlord a heavy charge, and to place the whole of it on those of the occupier. Now he (Mr. FitzGerald) could never assent to any such principle, which he considered to be most unjust. He should move that the Bill be not only referred to a Select Committee, but that it be an instruction to the Committee to consider this question in particular. The governing body, it appeared, were to be appointed by the grand juries of counties on the supposition that the latter represented the ratepayers. Now, the fact was well known that the grand juries of counties did not represent the ratepayers; they were nominated by the Sheriff for the year, and the ratepayers had no control whatever over them. The manner in which the nominees of the grand jury had performed their duty in other matters was anything but a reason in favour of continuing the present system. He proposed that it should be considered in Committee how the governing body could be best selected, both in reference to the giving due control to the ratepayers, and to the securing of the efficiency of the establishments. Another provision they ought to regard with extreme jealousy, that of placing persons who were represented to be lunatics in lunatic asylums. There ought to be the greaest care in surrounding such a provision with proper safeguards. It would be impossible to consider those minute alterations, and therefore he proposed to refer the Bill to a Select Committee. If a Select Committee were assented to, he should be willing to leave the selection in the hands of the noble Lord, who was already in possession of all the facts with which the Committee would have to deal.

Colonel GREVILLE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. J. D. FITZGERALD then moved, that the Bill be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Mr. J. D. FitzGerald

Mr. BRADY trusted that the noble Lord would accede to the suggestion of his right hon. Friend the Member for Ennis. A great necessity, no doubt, existed for an alteration in the law, but the present Bill was not framed in a manner to meet the reasonable requirements of the ratepayers. He thought it would be a great cruelty if the expense of 4,000 or 5,000 lunatics should be thrown upon the ratepayers wholly, whereas now they had only to pay half. This Bill would impose a new rate to be levied on the occupiers of land in Ireland. The Bill ought to be sent to a Select Committee, and he hoped the Government would see the necessity of that step.

Sir WILLIAM SOMERVILLE said, the Bill affected the most helpless class in Ireland, and the change which it proposed in the existing law was one of considerable doubt. Hitherto the Lord Lieutenant had been responsible for a duty which the Bill sought to transfer to the grand juries, who were irresponsible bodies, and who did not represent the ratepayers generally. He hoped the Amendment would be agreed to.

Colonel FRENCH also pressed the noble Lord to yield to the suggestion for referring the Bill to a Select Committee. The question was one of great importance, and he hoped the House would not be put to the trouble of dividing.

Mr. BERNAL OSBORNE complimented the noble Lord the Secretary for Ireland upon his exertions to amend the law since he became Secretary for Ireland; but as it seemed to be the wish of the Irish Members to appoint a Select Committee, he thought the Government ought to yield. He objected entirely to the authority proposed to be vested in a grand jury, one of the worst bodies that such a power could be exercised by—a fugitive body packed by a fugitive person, that splendid annual the sheriff of the county. It was wondered how the Irish people could suffer such a system; but "sufferance was the badge of all their tribe." He was entirely opposed to governors of asylums being appointed by grand juries. There were two Motions on the paper for altogether altering or abolishing Irish grand juries, which there would be some good hope of accomplishing if the Irish Members could be for once unanimous—a contingency, indeed, which seemed to be extremely problematical:—and then what would become of the Bill. Why could not the Poor Law authorities be left to deal with lunatics? The tax for lunatics was a new tax. The provision made for Irish lunatics in 1817 was for less than 200, and now there were 11,542 Irish lunatics to be provided for. This Bill would be generally unacceptable in its present shape, and cause agitation and discontent.

Mr. GREGORY said, if the hon. Gentleman had any hope that there would be an unanimity of opinion amongst Irish Members on the subject of grand juries or any other subject, he might be fitly classed amongst that unhappy portion of the community for whom this Bill proposed to legislate. But was the present most discreditable state of things to be allowed to continue until the Irish Members came to a unanimous opinion on the subject of grand juries? The question was a wide one, and he was disposed to go with his right hon. and learned Friend, and send the Bill to a Committee up stairs. There were questions connected with religion which could be properly considered in Committee, and which, if discussed in that House, might perhaps excite the opposition of some Gentlemen whose zeal outran their discretion. He, however, could not agree with the hon. Member (Mr. B. Osborne) as to his remarks on grand juries.

Lord NAAS rose to reply to some of the objections that had been urged against the measure. It was said that he was giving a new power, but he only continued the existing law which empowered the Lord-Lieutenant to order the building of a lunatic asylum wherever he might think it desirable; but at the same time he gave power to the grand jury, as representing the rate payers, to appear before the Lord-Lieutenant in Council, and make any objection they might think proper. He would not go into a defence of the excellencies of the grand jury system, but he must say his experience was very different from the description that had been given of it by the hon. Member for Dovor, and at the last assizes, at which he was present, when he acted as foreman, there were ten Roman Catholics on the grand jury. The small proportion of Roman Catholics on some grand juries might be accounted for by the smallness of the number of Roman Catholic proprietors in those districts, so that it could not be charged as a fault of the system. Even if grand juries were to be abolished there was nothing to prevent the power proposed to be vested in them being placed elsewhere. He doubted whether the good results prophesied would accrue from sending the Bill before a Select Committee; but as that seemed to be the general wish of hon. Members representing Irish constituencies, he should not interpose any objection. He must, however, protest against the Bill being shelved by this process.

Mr. J. D. FITZGERALD said, that it was not his intention to move the instruction to the Committee of which he had given notice, not because he had changed his view on the subject, but because he found that it was unnecessary, and that it would be competent for him to press the view he took on the Committee if he happened to be a Member.

Mr. LEFROY thought the conduct of the noble Lord (Lord Naas) with respect to the pains he had taken in bringing in this Bill deserving of all praise. He, however, thought the noble Lord right in giving way to the reference to a Select Committee. He defended the composition and conduct of grand juries throughout Ireland generally, so far as his knowledge extended.

Mr. DE VERE hoped the Committee would commence their proceedings immediately.

Mr. M'EVOY said, that in Meath, in which he resided, there were many Roman Catholics on the grand juries; yet they had little or no influence. It was the Protestant Members who had for the most part the nomination of the appointments. He did not think grand juries were the impartial bodies they were represented, and was rather disposed to coincide with his hon. Friend the Member for Dovor (Mr. Orborne).

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *committed* to a Select Committee.

OATHS ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

Mr. E. P. BOUVERIE moved, that the House should go into Committee upon the Bill.

Mr. SOTHERON ESTCOURT said, that the hon. Gentleman who had conduct of this Bill proposed to rectify the Act passed last year. It was said that the Act of last year unintentionally made an alteration in the declaration which theretofore had been taken by Quakers, and the object of the Bill, as he understood it, was to restore the declaration to its original form. So far as the Quakers were concerned he had no objection; but when a proposition was made for the exemption of a particular class of Her Majesty's subjects, he thought it was only fair that the hon. Member who proposed it should say whether it was designed to destroy the regulation made many years back. No one doubted the loyalty of the Members of the Society of Friends; but the words "I promise to the utmost of my power to defend Her Majesty and the succession to the Crown" were not unimportant, and, if he consented to let the Bill pass a second reading, it must be explained that no objection existed on the part of those who sought relief to defend Her Majesty and the settled succession to the Crown.

MR. E. P. BOUVERIE said, that the House needed not to be assured that the Quakers were most loyal and devoted subjects of Her Majesty; and it must be understood that the Quakers in desiring to stand in the same position which they occupied previous to the Act of last year, which was passed to admit the Jews, asked for nothing new. Ever since 1717 the Quakers had been authorized by statute to take the oaths in the way of affirmation, and in a form peculiar to themselves. That form was repealed *per incuriam* by the Oaths Act of last year; and the consequence was that Quakers were now required on becoming barristers, magistrates, or Members of Parliament to make an affirmation in language to which they objected.

MR. BENTINCK was glad that his right hon. Friend had called the attention of the House to this subject. No one could doubt the loyalty of the Quakers, and he also agreed that it was the intention of the House that no men should take an oath with respect to which he had any religious scruples. But in his view the observations which had been made in that respect did not apply to the present case. The hon. Gentleman said that it was an accidental omission last year; but it seemed to hin that the alteration was an intentional one to correct an obvious omission. Assuming that the Quakers were loyal persons, which no one could doubt, it was the duty of every loyal citizen in the realm to defend Her Majesty and the Throne, if circumstances should arise. He could not understand the right of any one to a seat in that House, who did not make an oath or affirmation to that effect; nor did it appear to him to be a question of scruple, because the words were perfectly distinct, "I will defend to the utmost of my power." Could any man, whatever his position, decline to take such an oath or make such a declaration. They had heard no explanation from the hon. Gentleman opposite why the words should be omitted, and it did not appear to be a case of conscientious difficulty unless the parties opposed to it objected to the sense and spirit of the words. If, therefore, they disqualified themselves for any office, they did so in consequence of their own omission, and were not either eligible to a seat in the House or any post of responsibility in the country.

House in Committee.

Clause 1.

MR. SOTHERON ESTCOURT begged to ask the hon. Member for Northampton whether he could give an explanation of the particular grievance which the Quakers were to be relieved from?

MR. GILPIN said, he should be most happy to do so, but he was not aware that the Bill would have been brought on for discussion that day, and he had not yet finished the reading of the Bill.

MR. SPOONER said, that after that statement he should move that the Chairman leave the chair and report progress, as it was evident that such a course was one which was necessary in order to allow those most interested in the matter to inform themselves upon it.

MR. E. P. BOUVERIE said, that the only object of the Bill was to put Quakers into the position in which they had been for the last 130 years. Every one who knew them testified to the loyalty and respectability of that excellent body of men, and he knew of no reason why they should be shut out from exercising the offices of magistrate or justice of the peace because they objected to affirm something contrary to their religious principles.

MR. SPOONER could assure his hon. Friend that he was quite willing to make every concession to religious scruples, but the hon. Gentleman had given no reason why the words were inserted last year. The words were binding on the person who took the oath or made the affirmation to defend the Queen. Did the hon. Member mean that Quakers were the only men who would not undertake to defend the Queen? That portion of the Bill seemed to him to be perfectly unintelligible, and, therefore, he should be obliged if the hon. Member for Northampton would give an explanation of it. He moved the Chairman do report progress.

Mr. GILPIN expressed his surprise that the hon. Gentleman, acquainted as he was with so many leading members of the Society of Friends, should be so ignorant of the principles which led them to object to the terms employed as to defending Her Majesty as he appeared to be. He ought to know as well as any person that the principles of that sect were opposed to what was usually called the principles of defence ; and there were many other ways in which they conceived that they might defend her Majesty than by the actual taking up of arms. As had been stated, the object of the present measure was nothing more than to put them in the position they had occupied for a very long period of time. His right hon. Friend beside him was acting on behalf of the whole Society of Friends who preferred the form of declaration previously in use, and he certainly thought that after the character that had been given of them by the hon. Member for Norfolk, no one would object to replace them in the position they had been in for 130 years.

Mr. SOTHERON ESTCOURT said, it was perfectly plain that the objection the Society of Friends entertained was merely the ordinary conscientious objection by which the Quakers were distinguished ; that they were loyal people could not be doubted, and there were many modes of defence in which they could see they were better able to defend the Queen than by force. He therefore hoped his hon. Friend would withdraw his Motion.

Mr. HENLEY coincided in the course which had just been recommended. It was evident that so far as the Quakers were concerned they did not entertain any conscientious objection to making the affirmation further than the conscientious objection they entertained against the use of force.

Mr. SPOONER withdrew his Motion.

Clauses *agreed to.*

House resumed.

Bill *reported,* without Amendment.

SAINT JAMES BALDERSBY MARRIAGES VALIDITY BILL.

SECOND READING.

Order for Second Reading read.

Mr. SOTHERON ESTCOURT moved the Second Reading of this Bill, its object being, he stated, to give validity to certain marriages solemnized in a church, which was supposed to be legalized for the purpose, but which was afterwards discovered not to be so.

Bill read 2°.

MUNICIPAL ELECTIONS BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed—"That the Bill, as amended, be now considered."

Mr. AYRTON moved the recommitment of the Bill, in order that the provision by which the nomination of candidates was not to take place in open assembly, but through papers sent to the officers of the boroughs, might be reconsidered. It was only when more than the requisite number of councillors were proposed that an election was to take place. This appeared to him an unsatisfactory mode of conducting the elections, and it would be better to adopt that practice which was consistent with the usages of the people of this country—nomination in public meeting.

Amendment proposed, to leave out from the word "Bill" to the end of the Question, in order to add the words "be recommitted," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CROSS explained the present position of the law and the object which the Bill had in view. As the law at present stood, no notice was given as to who were the candidates for the office of councillor, and the burgesses were therefore unable to know for whom to give their votes. Any man, whatever his character might be, could get a number of his friends together and obtain his election by surprise. Moreover, the corporation was obliged to keep open the poll all day, whether there was any opposition or not, and this put the corporation to great trouble and expense. In a large corporation like Manchester it would be necessary, if the plan of the hon. Gentleman were agreed to, to have as many as sixteen polling-places, with their attendant confusion and excitement. He should oppose the Motion.

Mr. TURNER also supported the Bill as it stood. He was quite sure that the hon. Member for the Tower Hamlets (Mr.

Ayrton) could not have had any experience of municipal elections, or he would not oppose the provisions of this Bill. It would be a great boon to Manchester.

Mr. KNATCHBULL - HUGESSEN asked the Government to express their opinion upon the question. It appeared to him that a system which worked well in the election of Poor Law Guardians, and of Members of Local Boards of Health should be carried out in municipal elections generally.

Mr. SOTHERON ESTCOURT thought the greatest publicity should be given in conducting municipal elections. Complaints were numerous that after an elector had voted other candidates appeared, and the remedy proposed was, that all candidates should be declared and their names published one whole day before the polling commenced. He was as much in favour of maintaining the principle of open voting as any man, and would much regret seeing it laid by. He thought the Bill provided a beneficial scheme.

Mr. W. WILLIAMS thought it highly important that the ballot should be introduced in municipal elections. It had been in use in the metropolis twenty-five years under Hobhouse's Act, and it had worked extremely well.

Mr. RIDLEY did not think the Bill provided a remedy for all the existing evils attending municipal elections; but it was good as far as it went, and he should support it.

Mr. AYRTON said, he would withdraw his Amendment.

Amendment by leave *withdrawn.*

Main Question put, and *agreed to.*

Mr. TURNER moved the omission of Clause 6, which substituted a revision by a barrister for the present revision before the mayor and assessors. He understood that this would not be opposed.

Mr. VERNON SMITH thought it would be more satisfactory if the lists were revised by revising barristers rather than by local authorities.

Mr. CROSS observed, that there would at present be considerable difficulty in transferring this duty to the revising barristers, and he was therefore willing to assent to the Motion.

Motion *agreed to.*

Clause *struck out.*

Clause 18.

Mr. VERNON SMITH said, that the 18th clause would abolish the system of voting papers which had hitherto been used at municipal elections, and would assimilate the proceedings in respect of voting to those of Parliamentary elections. He wished to know on what grounds this change had been introduced, as he believed the system of voting papers was generally approved. He could state, at all events, that the municipal electors of the borough which he represented (Northampton) were perfectly satisfied with that system.

Mr. CROSS replied, that the class of persons entitled to vote at municipal elections were, generally speaking, much below the Parliamentary electors in point of education, and it was found that, under the system of voting papers, electors who were unable to write were often fraudulently induced to vote for the wrong candidates. This practice had been going on for a long time, and, in consequence of the representations made to him on the subject, he proposed by this clause that voting papers should no longer be used. The only advantage of these papers, which were delivered by the electors themselves, was that electors wrote down the names of the candidates for whom they voted, instead of repeating them to the poll clerks.

Sir JOHN SHELLEY thought the system of voting by ballot adopted under the Metropolitan Local Management Act might be applied with great advantage to the case of municipal elections.

Bill, as amended, to be *printed* [Bill 75].

Bill to be read 3° on *Wednesday* next.

House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, March 17, 1859.

Minutes.] Public Bills.—1ª Mutiny; Marine Mutiny; County Courts; Recreation Grounds.
2ª Convict Prisons Abroad.
3ª Debtor and Creditor.

DEBTOR AND CREDITOR BILL.

BILL READ 3ª, AND PASSED.

Bill read 3ª (according to Order).

Lord CRANWORTH would remind their Lordships that when the Bill was in Committee he moved the omission of certain clauses which had relation to the appointment of trustees or official assignees;

and that on their Lordships disagreeing from his proposition, he gave notice that in a future stage of the Bill he intended to renew his Motion. Accordingly he now rose to move that clauses 95 to 98 be omitted from the Bill; and if their Lordships should agree that those clauses should be omitted, the effect would be to restore the old or rather the present existing system of bankruptcy so far as related to assignees. Although this might be a very dull subject to their Lordships, he could assure them that to the mercantile community it was one of very great interest and of very great importance. Before the alterations which took place in 1831, when Lord Brougham held the Great Seal, there was no public officer who had control over the funds of bankrupt estates. Such estates were then vested in assignees who were chosen by the creditors; that was, they were nominally chosen by the creditors; but the evidence given before the Commission of 1854, and he believed also before a former Commission, clearly showed that, in fact, the assignees were appointed by the solicitors of the chief creditors, and the fight as to who should be the assignees generally was between the solicitors of the chief creditors, because, in this way, the solicitors obtained the management of the funds and a very profitable branch of business. The result was exactly what might have been expected by *a priori* reasoning. As the funds of the bankrupt estate were generally very inadequate to meet the claims of the creditors, the general creditors were very lukewarm as to the administration of an estate under such circumstances — especially when the estate was small, as was most frequently the case—and the assignees being much more profitably engaged in their own business, declined to lose their time in attempting to realize a shilling or two more or less in the pound for other parties; and thus the bankrupt's estate was neglected and fell a prey to the legal gentlemen, was absorbed in costs and expenses, and thus a very small portion of the funds ultimately found its way into the pockets of the creditors. By the indifference of these assignees when the new system was introduced in 1831, and official assignees were appointed, who—not alone, but in conjunction with the former assignees—were charged with the duty of getting in the assets of bygone bankruptcies, they actually realized upwards of £2,000,000 of money which the assignees had neglected to distribute. These assignees paid the assets of the estates into their private bankers; and in this way sums varying from £100 to £500, and even more, had been lying for years in those bankers' hands. He remembered that Lord Brougham stated that the banking-house of Smith, Payne and Smith had been called upon to pay over sums amounting to nearly half a million which had been so left in their hands. No part of this large sum would probably ever have come into the hands of the creditors but for the appointment of these official assignees in 1831. By that Act the persons to be appointed official assignees were to be persons who had been engaged in trade, but who were thereby rendered incapable of continuing in trade, or having any other duties to discharge other than administering estates in bankruptcy. Since this system came into operation in 1831, the official assignees had collected between £2,000,000 and £3,000,000 of outstanding assets, and had distributed it among the creditors, who, but for them, would have lost the whole of it. Was it expected that, under the new system, a larger sum would be realized from bankrupt estates than was possible under the old? At this moment there was invested in the Three per Cents, in the name of the Accountant in Bankruptcy, sums belonging to bankrupt estates amounting to about £1,500,000, and producing an annual income of about £40,000. It was now proposed by this Bill that the creditors should have the option of dispensing with the official assignee altogether, and of appointing trade assignees only, as under the old system. The name, it was true, was changed to "trustee," but the office was precisely the same. But if that proposition was to be acted upon—and if it were not the mere option was of no consequence—if the old system was to be reverted to, was it possible but that the old results would follow? It was impossible not to anticipate otherwise than that the evils of the old system would be renewed. Indeed, his noble and learned Friend himself appeared to expect it, because in a subsequent clause he had provided that the creditors might appoint a committee to superintend the trustee; in fact, to operate as a check upon him. No doubt there was a great cry in some quarters against the official assignee. But why was that? The truth was, it was because the substitution of creditors' assignees for official assignees meant the substitution of solicitors for the official assignee—the moment it was said that the estate should be managed by the trade assignee it meant that it should be managed by the solicitors of the assignees. Naturally enough there was a strong wish for the alteration among a certain class of gentlemen who had a great deal of influence in "another place," though not quite so much in their Lordships' House. Under the old system the interests of the smaller creditors were completely overborne by the large creditors. The assignees were appointed by the majority in value of the creditors; two or three large creditors joined together and chose the assignees, the assignees placed the estate in the hands of his solicitor—or, more generally, of the solicitor who had, in fact, appointed him—and the interests of the smaller creditors were entirely unprotected. This state of things would be exactly revived if the old system were returned to. It was therefore, he submitted, their Lordships' bounden duty to interfere for the protection of the smaller creditors against evils which the experience of the old system had fully proved. It was a mere fiction to say that the expense of the official assignees was worthy of consideration; they formed a very small item indeed, in the expenses of bankruptcy. A statement had been forwarded to him by a gentleman of very great experience in bankruptcy (Mr. Freeman), and who had been examined before the Committee of 1852, of the result of ten bankruptcies. The gross assets of the estates were £5,600; and the charges for rent, taxes, &c., being deducted, the net assets were £4,672. It was shameful to have to remark, that from that sum £2,684—considerably more than 50 per cent—went in expenses. But what proportion went to the official assignee? Less than the charges of the messengers. The messengers received £329, and the official assignee less than £300—only £294—or scarcely more than 5 per cent on the assets realized. Creditors might say, "Why should we be paying 5 per cent to an official assignee?" But he asked would not the services of an official whose undivided duty was to realize the largest possible amount of assets in the shortest time, and at the least expense, amply compensate for the 5 per cent? It was the duty of their Lordships to protect the smaller creditors, and not to leave them at the mercy of the old system. He would allude to one other point. The great objection to the English bankruptcy system had no doubt been its costliness in comparison with other systems. Now, part of that cost consisted of compensations paid to officers who were put out in 1831, when the new system was introduced. Those compensations were, he thought, most improperly charged on the estates of future bankruptcies. That was a charge that ought to have been borne by the Consolidated Fund, and he thought his noble and learned Friend deserved the highest credit for the alteration which he proposed to make in the law in that respect, by enacting that those compensations should in future be paid out of the national funds. Subject to that payment, the expenses of the Court were properly borne by the Court itself. The Court was a court mainly—to the extent of nine-tenths of it—of mere administration. If they removed the official assignees the trade assignees would not be bound to pay in the funds as they received them to the account of the Accountant—they would place the funds in the hands of their own private bankers. In consequence of this change the interest on the funds in the hands of the Accountant, amounting to £40,000 a year, would be lost to the Court, and the consequence would be that much higher fees would be imposed. The present amount of assets absorbed by solicitors' bills was very large, and he could easily imagine that when the supervision of the official assignees was withdrawn it would be still larger. The noble and learned Lord then moved to omit Clauses 95 to 98 inclusive.

The LORD CHANCELLOR said, he hoped their Lordships would not suppose that the various objections which had been so strongly urged by his noble and learned Friend who had just addressed the House had not been taken into consideration, carefully and anxiously, before those clauses were inserted in the Bill. There was no plan that could be devised that would not be found open to strong, perhaps unanswerable, objections; and the only way to deal with any scheme was to look at the objections on either side. The Government had had the greatest possible difficulty to contend with in judging what provision it would be the best to adopt for the administration of an insolvent estate in the Bankruptcy Court. As he had mentioned on a former occasion there were two distinct classes of opinion which divided the commercial world. One of them was that which his noble and learned Friend represented when urging his objections to this Bill—namely, that the creditors should have no power whatever — should not be allowed to interfere with the administration of the affairs of the insolvent. Many persons of the highest authority in the commercial world took that view; their opinion was entitled to the greatest respect, and would no doubt influence any one framing a Bill on this subject, and determine him to adopt the views which persons of such weight in the City of London represented. But if the Government had framed the Bill on their suggestions they would have encountered a powerful opposition from another class of persons, who since 1831, when the official assignees were first created, and the creditors debarred from interference, had insisted on the right of creditors to have more control over the administration of their affairs. They had complained from time to time that the creditors should have been thrust out of all interference when the Bankruptcy Court got hold of the affairs of an insolvent debtor. Evidence was given to a considerable extent on the subject of such administrations before the Commission of 1852, and the Commissioners appeared to have favoured the views of that latter class. He did not, however, mean to say the question was so clear that any decided opinion had been formed by them on the subject. It was necessary to examine carefully what were the different circumstances that required attention; and in choosing between conflicting opinions it was the duty of the Government to adopt that course which they thought best calculated to do justice to the different classes concerned. To show their Lordships the inherent difficulty of this matter he might observe that a few evenings before his noble and learned Friend presented a petition from 800 merchants and bankers of the City of London in favour of the view which he represented. He (the Lord Chancellor) had been told there was much facility in obtaining petitions of this kind, and that much reliance was not to be placed upon the circumstance that they were presented; but if such petitions were to be supposed to express the deliberate opinion of those who signed them they must be held to have great weight. But he had himself presented a petition from 4,000 of the principal merchants and bankers of London of quite an opposite character to that presented by his noble and learned Friend. Again, a noble Lord (Lord John Russell) had introduced a Bill on this subject in the other House, which Bill was supposed to represent those most important bodies, the Chambers of Commerce in many of the large towns. The Chambers of Commerce, if he might judge from the framing of the noble Lord's Bill, took exactly the same view of the case as that which he (the Lord Chancellor) might say he represented on that occasion in respect of giving to creditors a control over the affairs of debtors when their affairs were to be wound up in the Courts of Bankruptcy and Insolvency. What, then, were the Government to do on this subject? It was quite clear that, whatever course they might adopt, they would meet with determined opposition. They were, therefore, obliged to consider what, in their judgment, was the best course to be adopted to reconcile conflicting interests and do justice to all classes. His noble and learned Friend had argued as if the Bill made it compulsory on the creditors to put aside the official assignees and to thrust the Court out of its office by appointing a trustee of their own. Now, what the clauses which the noble and learned Lord proposed to omit from the Bill proposed was this—that the creditors might have, if they desired it, an opportunity of choosing a trustee, in place of the official assignee, to conduct the administration of affairs in the Court. They might, if they pleased, appoint the official assignee for that office, or they might leave the matter with the Court and the official assignee, according as might appear to their judgment to be best for their interests. Their Lordships would see that there was nothing compulsory there. Would their Lordships reject a scheme which had been been framed after great consideration, and which had almost been forced upon the Government by the demands of the commercial world, and which was designed to remove the complaint of the creditors, that they had now no power in the administration of their affairs in the Court of Bankruptcy? His noble and learned Friend said that if creditors were left to themselves they would not pay proper attention to the matter; that they were lukewarm. Now it was contrary to human nature that they should be so. His noble and learned Friend also argued that, under the provisions of this Bill, everything would be left to the solicitors, and, in his anxiety to guard against that source of expense and waste, he gave some instances in which, under the careful guardianship of the official assignee, the costs of the solicitors had been enormous. Surely that argument, if a good one, recoiled on his noble and learned Friend himself, for it showed that the official assignees had not been as careful as they ought to have been in the supervision of the solicitors' accounts. He (the Lord Chancellor) should apologise to their Lordships for having said so much on a subject which had really been exhausted, but he had felt it necessary to state his reasons for thinking that the objections of his noble and learned Friend were not well founded, and that the clauses ought to be retained as they stood in the Bill.

Lord OVERSTONE said, he wished to express his entire concurrence in all the arguments and statements of his noble and learned Friend (Lord Cranworth). He could confirm every statement of his noble and learned Friend. He had said before, and he now again repeated, that the introduction of these clauses was a retrograde step, whether they looked to the interests of creditors or to higher moral considerations. The noble and learned Lord Chancellor had asked what were the Government to do when there were petitions on one side objecting to the official assignees, and petitions on the other to the reverse effect? Let the Government consult the lessons of past experience, which were so clear, distinct, and emphatic, as to leave no room for doubt. What was the origin and cause of the introduction of official assignees? The introduction of official assignees was the consequence of the strong, universal, and indignant feeling, with regard to the abuses that prevailed under the then existing law of bankruptcy. What where these abuses? The funds were imperfectly realized, kept back, or unjustly distributed; improper transactions were concealed, chicanery of every kind was perpetrated, some creditors were paid in full, in order to protect the debtor against investigation, and others received improper advantages—in short, every species of abuse which could be imagined constantly occurred. Such were the circumstances that caused an overwhelming demand for the institution of official assignees. Had these officers failed in realizing the expectations formed of their utility? He defied any one to maintain such a proposition. The change consequent upon the appointment of the official assignees was immediate and remarkable. As soon as they were appointed immense funds were brought forth and speedily distributed, which, to his knowledge, had for years remained beyond the reach of creditors. And such had been the continued and progressive operation of that part of the bankrupt law. The funds of insolvents or bankrupts had been satisfactorily realized and administered under the new system; and, he should like to be informed, what were the defects, misdoings, or shortcomings, of the official assignees which rendered it necessary to abolish the office? He knew of none. But he objected to these clauses on higher moral grounds. The laws and institutions of the country had a great and powerful influence in regulating the moral character of the people. Let their Lordships beware lest their commercial legislation should lower the tone of commercial morality. Two or three years ago he thought that the measures introduced by the late Government had, on the subject of limited liability, a tendency to lower the tone of morality in the commercial world, and he therefore opposed them. He held that opinion still, and he objected to the present clauses for the same reason. He believed that the knowledge that every transaction would be looked into by an impartial and responsible officer of the Court had a great effect in checking the tendency to fraudulent practices throughout the trading community. For these reasons, he must give his unqualified support to the proposal of his noble and learned Friend (Lord Cranworth).

The Earl of DONOUGHMORE said, he could not help thinking that the noble Lord who had just sat down argued on the assumption that there was a provision in the Bill to abolish official assignees. That was quite an erroneous assumption. Under the present law it was compulsory in all cases that an official assignee should be chosen. The Bill modified this provision by proposing to leave it to the creditors to say whether an official assignee should be chosen or not. The Bill enabled the creditors to be the judges whether they ought or ought not to employ an official assignee; and he thought they were likely to be the best judges on that point. It did not prevent them having recourse to the assistance of an official assignee if they should think it desirable; but it did not enforce the appointment of an official assignee when the creditors did not think it necessary. The creditors as a body would do what they thought would most tend to their own interests; that was what the Bill enabled them to do; and its working in that respect would eventually result in much useful experience as to the class of cases which should be confided to the management of official assignees. He therefore trusted their Lordships would not strike the clauses out of the Bill.

EARL GREY said, he did not think that the objections of his noble Friend had been met by the arguments of the noble and learned Lord on the woolsack, or those of the noble Earl opposite (the Earl of Donoughmore). The whole defence was, that the Bill did not do away with the assistance of the official assignee; it only gave power to a majority of the creditors to dispense with the services of that functionary. It, however, appeared to him (Earl Grey) it was precisely in those cases where it was important for that officer to be employed that the official assignee would not be called upon. In cases where everything was straightforward and *boná fide* the official assignee would be appointed; but it was just in those cases where inquiry was most needed, those of the creditors who had some advantage in concealment would consider the assistance of the assignee as troublesome and undesirable. When it was for the interest of the public that transactions should be brought to light those were the cases in which no official assignee would be called in. When such a bankruptcy occurred, a great many of the most respectable creditors would take no trouble about it, thinking that no advantage could be obtained commensurate with the loss of time which could be more profitably and more agreeably occupied; and then the estate would fall into a few hands, who having probably private interests to serve would manage the affair among themselves, secure from the interference of an official assignee. Neither the arguments of the noble Earl nor of the noble and learned Lord on the woolsack had controverted the statements of his noble and learned Friend (Lord Cranworth). He therefore thought their Lordships should not rashly nor without sufficient reason take a step that would be fatal to a principle of reform which had been recognized in past legislation and had operated for the public benefit.

On Question, "That the said clauses stand part of the Bill,"

Contents 38; Not-contents 23: Majority 15.

CONTENTS.

Chelmsford, L. (*L. Chancellor.*)

Bath, M. [*Teller.*]
Salisbury, M.
Winchester, M.

Amherst, E.
Bandon, E.
Beauchamp, E.
Carnarvon, E.
Derby, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Lucan, E.
Malmesbury, E.
Rosslyn, E.
Shrewsbury and Talbot, E.
Stanhope, E.
Verulam, E.
Doneraile, V.
Dungannon, V.
Exmouth, V.
Gordon, V. (*E. Aberdeen.*)
Hutchinson, V. (*E. Donoughmore.*)
Strathallan, V.
Bagot, L.
Boston, L.
Clifton, L. (*E. Darnley.*)
Colchester, L.
Colville of Culross, L. [*Teller.*]
De L'Isle and Dudley, L.
De Ross, L.
Downes, L.
Kingston, L. (*E. Kingston.*)
Lovel and Holland, L. (*E. Egmont.*)
Redesdale, L.
Sondes, L.
Templemore, L.
Wynford, L.

NOT-CONTENTS.

Somerset, D.

Clarendon, E.
Durham, E.
Granville, E.
Grey, E.
Ripon, E.
Saint Germans, E.

Carlisle, Bp.
Down, &c., Bp.

Belper, L.
Cranworth, L. [*Teller.*]
De Tabley, L.
Ebury, L.
Gage, L. (*V. Gage.*)
Overstone, L.
Panmure, L.
Ponsonby, L. (*E. Besborough.*) [*Teller.*]
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Teynham, L.
Truro, L.
Wensleydale, L.
Wodehouse, L.

LORD CRANWORTH said, he had also given notice of his intention to move the omission of Clauses 113 to 116, which had reference to the disposal of the insolvent's reversionary interest. He quite agreed with the principle of the Bill by which traders and non-traders were put on the same footing. But these clauses enacted that with respect to non-traders who became insolvent their reversionary interest in settled estates should not be sold till it fell into possession. He did not see why an invidious distinction should be made in this matter between traders and non-traders. No doubt it was much more for the interest of the debtor that the sale of reversionary property should be postponed till it fell into possession, and Lord Derby had said that he deprecated the sale of reversionary property at all; but this measure would only prevent its sale in the case of those persons who were tenants in tail; for instance, of a son who was to succeed to a settled estate after his father. It was a provision for the benefit of the eldest sons of landed proprietors, and of no other class, since if a person was entitled to a reversionary interest in funded property, in case of his becoming insolvent it would be sold. The object of these clauses was to give protection to one particular class only, and being so they would not be at all accepted by the public.

THE LORD CHANCELLOR said, this statement of the objects of the clauses was not quite correct. It was true that these clauses only applied to the case of tenants in tail of settled estates, because in that case there could be no possible advantage to the creditors in forcing a sale; yet the creditors would have their full rights reserved to them when the estate fell into possession. There was no power to deal with the settled estates without the consent of the protector of the settlement, so that the reversionary interest was one which might never come into existence at all, and was, therefore, of very little value to the creditors, as the protector of the settlement had the means of preventing the sale to any advantage, by refusing his consent. The question, therefore, was whether it was desirable, when for the first time this Bill introduced non-traders to a system by which they would be compelled to part with the whole of their property, that an interest should be taken from them at once which could scarcely be available for the creditors, or whether the interests of the creditors were not better secured by enabling them to avail themselves of the settlement with the consent of the protector of the settlement, and at all events to avail themselves of the reversionary interest when the insolvent should come into possession of it.

Motion *agreed to.*

LORD WENSLEYDALE said, that one of the County Court Judges had applied to him to know whether this Bill would affect their powers, and he suggested that a saving clause should be introduced to provide that nothing in the Bill should apply to any warrant of commitment for non-payment of a debt issued by the County Court.

THE LORD CHANCELLOR said, that he wished for time to consider this point, and there would be an opportunity of proposing such an Amendment when the Bill sent down to the House of Commons.

Amendments made: Bill *passed,* and went to the Commons.

CONVICT PRISONS ABROAD BILL.

SECOND READING.

THE EARL OF CARNARVON, in moving the second reading of this Bill said, that its object was to extend to the naval and military prisons, those in Bermuda and in our other convict settlements, the same supervision and control of the Secretary of State which existed for the prisons in Great Britain. The law was at present very imperfect in this respect, and it was desirable to give powers for the dismissal or removal of the officers of the prisons, as well as power to make regulations for their management and for the treatment of the prisoners, and to impose a scale of penalties. In this respect the standard which had been adopted was the same that existed in the prisons at home, or if there were any difference, it was rather in favour of the prisoner.

Bill read 2ª (according to order), and *Committed* to a Committee of the whole House on *Monday* next.

MONTENEGRO.—QUESTION.

THE EARL OF CLARENDON, who had given notice to ask the Secretary of State for Foreign Affairs respecting the Appointment of two Engineer Officers to define the Boundaries of Montenegro, said—My Lords, three days ago my attention was called to a paragraph under the head of "Military Intelligence," in *The Times* newspaper, as follows:—

> "Orders have been forwarded from the Horse Guards to the head-quarters of the Royal Engineer establishment at Chatham, directing a surveying expedition of the Royal Engineers to be held in readiness to proceed to Montenegro, for the purpose of making an accurate survey of the boundary line to Constantinople. The officers named to accompany the expedition are Captain Cox and Lieutenant Sitwell, R.E. Another expedition of the Royal Engineers is also in course of formation for the purpose of proceeding by the overland route to Persia to survey the Turkish and Persian boundary line. This expedition is likely to be absent from England three years."

Now, I do not suppose for a moment, that, whatever benefits may be in store for the Montenegrins, it is intended to extend the boundaries of that country to Constantinople or the Dardanelles. That then is not the point upon which I wish to ask for any explanation from the noble Earl the Secretary for Foreign Affairs; but I think the opportunity a fitting one for asking for an explanation respecting Montenegro, the affairs in regard to which country I believe last year caused a great deal of trouble to my noble Friend, but with respect to which very little is known in this country. I suppose that subjects of more pressing interest have occupied the attention of the public since the meeting of Parliament. Still the subject of Montenegro is not without its interest, because both the question itself and the manner of dealing with it involves a course of policy, the importance of which is not to be measured by the geographical insignificance of the territory. For many years past Russia, either in a direct or indirect manner, has exercised considerable influence in Montenegro, the inhabitants of which country profess the Greek religion; and at the Conference of Paris, when the subject of the Moldavo-Wallachian Principalities was under consideration, it was stated that circumstances had led to a general belief that Russia proposed to adopt the same policy in Montenegro as she had followed in those Principalities, and the Russian Plenipotentiaries were invited to make some statement by which all doubts might, if possible, be cleared up. The Russian Plenipotentiaries did not hesitate to declare that they felt satisfied that Russia had no other relations with Montenegro than such as were caused by the sympathies of the Russian Government and the friendly sympathies of those mountaineers towards Russia. The Plenipotentiaries present of Austria, England, and Turkey, said they looked upon that as a declaration on the part of Russia that she would exercise no undue or exclusive influence in Montenegro. The Turkish Plenipotentiaries moreover declared that although, of course, Montenegro must be regarded as an integral portion of the Ottoman empire, yet the Porte had no intention of altering the *status quo*. The disclaimer upon the part of the Russian Plenipotentiaries, to which I have alluded, was regarded as no less satisfactory than important, because Montenegro had never been considered independent or the suzerainty of the Porte disputed, and the Congress remained of opinion that the matter was settled. But a short time afterwards Prince Danielo, the ruler of Montenegro, addressed a circular to all the great European Powers which had been represented at the Conference, claiming his independence, and announcing to them that he should come to Paris and London with the view of making good his claim. When I heard that such was his intention I thought it right to inform the French Government that we should object to receive Prince Danielo otherwise than as a subject of the Porte, presented through the Turkish Ambassador, and, if I remember rightly, we obtained their concurrence in the expediency of adopting that course. Be that as it may, Prince Danielo was subsequently received at Paris without the intervention of the Turkish Ambassador, but did not proceed to London, being perhaps under the impression that that ceremony would not here be dispensed with The Porte afterwards expressed its readiness to accede to the wishes of Prince Danielo, and to grant him such an accession of territory—his own territory being barren and unproductive—as was deemed to be necessary for the subsistence of his people. The Porte hoped by this means to put an end to that disgraceful system of plunder which they had pursued in the neighbouring country; but the terms on which the grant was to be made were that Prince Danielo should acknowledge the sovereignty of the Sultan —a proposal which he refused to accept. I must now observe to your Lordships that there was an insurrection in Montenegro, and Turkish forces were sent to suppress it. Prince Danielo afterwards took part in the insurrection, and during a suspension of arms—an armistice, I may call it, on the part of the Turks—he fell upon the Turkish forces and massacred a great number of them, and horribly mutilated a large number who fell into his hands. It was then that an intervention took place on the part of France and Russia, and I hope my noble Friend will explain its exact character. It was a matter which seemed very unfriendly towards the Porte, that two French ships of war should be sent to the coast, as though for the purpose of preventing chastisement being inflicted on the perpetrators of this outrage. And then, under the pretext that the Turkish forces had invaded and attacked the Montenegrins, and had invaded the territory and a village belonging to them, and had consequently violated the independence of Montenegro, it was proposed that Commissioners of the Five Powers should be appointed, who should be sent out to survey the country and mark out the new boundaries on the spot, and to them the settlement of the matter was to be referred. But, my Lords, I believe that proposal was never carried into effect, and subsequently the matter was referred to the representatives of the Five Powers of Constantinople; and I suppose it is in consequence of the decision to which they had come, or a desire to give effect to the agreement to which they had come, in reference to marking out the new boundaries, that the Government has ordered these two engineer officers to be sent out to Montenegro. But, my Lords, what has taken place in Montenegro is connected with a system of which, in the case of the Principalities and elsewhere, we have had abundant evidence, and if insurrection is to be excited, and Turkey to be shorn of her power, first in one place and then in another, it is quite clear that that integrity of the Ottoman empire which we have made war to maintain, and which forms the basis of the Peace of Paris, will be soon at an end, and that we must prepare for that dismemberment of Turkey which it has hitherto been the policy of the great Powers to avert. But whatever may be the conduct of our Government in this matter, I hope it will be made clear to the world that we remain faithful to that policy which we stand pledged to uphold. What I wish to ask my noble Friend, therefore, is, under what circumstances the question of the boundary of Montenegro was referred to the representatives of the five Powers at Constantinople; what was the determination to which they came; for what precise purpose have the officers to whom I have alluded been sent out to Montenegro, and whether he has any objection to lay the papers connected with the subject on the table of the House?

THE EARL OF MALMESBURY said, that no one, he imagined, would be more astonished than the gallant officer who it was stated would go out in command of this alleged expedition when he read the statement that had been made by the noble Earl, allotting to him so arduous a task as that which had been described in the newspapers. He (the Earl of Malmesbury) would now, in answer to the remarks of the noble Earl, proceed to explain to their Lordships the events that had taken place previous to this demarcation of the frontiers between the territories of Montenegro and Bosnia. It would save their Lordships' time if it were admitted at once that up to a certain point—up to the period at which the noble Earl left office—nothing could be more accurate and exact than the account the noble Earl had given of those events; and it was no more than natural that it should be so, because the noble Earl was not only Secretary of State for Foreign Affairs at that particular time, but was, moreover, himself at Paris as the Plenipotentiary of Great Britain when this question was diplomatically discussed, and when the protocol to which the noble Earl alluded, and which he quoted, was signed. He believed it was on the 28th of February last year, just as the change took place in Her Majesty's Government, that Prince Danielo, having taken the steps described by the noble Earl, and having been received at Paris, as the noble Earl had described, without any diplomatic introduction by the Ambassador of Turkey, his suzerain, returned to Montenegro, and from his mountain habitation addressed a circular, or wrote a despatch, to various Powers of Europe—certainly to the Government of England—requesting that the limits between his territory, and that of the Sultan should be marked out, so as to prevent a repetition of those hostile and unseemly raids and insurrections which for centuries past had taken place in that wild region. On the receipt of that despatch, and wishing, as Her Majesty's Government always did in matters of great importance in connection with their foreign policy, to act in unison with their allies, he (the Earl of Malmesbury) instructed Lord Cowley to place the case before the French Government, and to propose to them either to give the English Government some suggestions on the subject or to take such active practical measures whereby a repetition of these contests might be prevented, either by the establishment of a line of demarcation or by some other method. The answer received from the French Government, he certainly did not consider satisfactory; for the French Minister stated that he was not able to make up his mind clearly as to the right of suzerainty of the Porte over Montenegro; that it was not quite clear that any infraction of the rights of Montenegrin independence had taken place, or that other Powers were not inclined to lean to the opinion that Montenegro maintained any other position than that of an independent state, and that the Russian Government had subsequently declared that their opinion amounted to conviction. He (the Earl of Malmesbury) need not refer to the terms of the protocol of Paris, to which his noble Friend had alluded, to show that the Russian Plenipotentiary at Paris disclaimed the existence of any other relations between Russia and Montenegro than those of sympathy, or to prove from the part taken by the Turkish Plenipotentiary, Ali Pacha, that Turkey had no intention of altering the *status quo* as it existed in March, 1856. Neither would he describe the correspondence that had since taken place on this subject. It was an obsolete matter, now amicably settled, and entirely with the approbation of the Porte, and which it would hardly serve any good purpose to reopen at the present moment. But this he might say that when the French Government threatened that if Turkey did not immediately agree to the proposed demarcation being carried into effect they were prepared to recognize the independence of Montenegro, Her Majesty's Ministers announced it to be their intention to withdraw under those circumstances from the scheme of demarcation, to which they were otherwise entirely favourable, and to rest upon the treaty itself for the maintenance of the integrity of the territories of the Porte. It was then deemed the most advisable course to pursue to invite a more general concert of the great Powers in laying down this boundary. It was subsequently proposed, and the Porte approved, that they should all join in sending out a commission to ascertain and settle the point about which there was most difficulty, namely, what was really the *status quo* in March, 1856, when Ali Pacha declared the *status quo* which the Porte recognised and adopted. The Porte agreed to the proposal, and accordingly commissioners were proposed and sent; and at this point of his narrative the noble Earl committed a mistake. He said that a commissioner from Montenegro was added to those of the other Powers. That was not the case. It was refused.

The Earl of CLARENDON: No, he said that it was a part of the proposition that a Commission for Montenegro was included, but that that was objected to.

The Earl of MALMESBURY: Well, it was proposed that there should be a Commissioner for Montenegro, and Her Majesty's Government objected, inasmuch as it would be an indirect way of placing Montenegro on the same equality and footing as the other five Powers; but inasmuch as it was considered that it might act as an embarrassment in defining the line of frontier, if the authority of the Commissioners was not recognized by Prince Danielo, he (the Earl of Malmesbury) considered, and the Powers agreed, that it would be very much to the advantage of the future if Prince Danielo were permitted to send a delegate or a deputy in his own name, who should recognize the limitation laid down by the Porte's consent; otherwise it was quite clear the arrangement might have been upset again, and the Prince might hereafter have said, "I was no party to the boundary to be laid down, and I altogether repudiate such determination." The boundary, therefore, was laid down by the Commissioners so appointed, the deputy or delegate on the part of Montenegro having no voice in the matter. The act was taken by Colonel Churchill, the English Commissioner, and by the other Commissioners, to Constantinople, and there a *proces verbal* was drawn up by the assembled Plenipotentiaries, and agreed to by them, and it was understood by the Porte, it being then the month of November, that as soon as the season would allow of it, engineers should be sent to stake out the ground, and settle once and for all what was the frontier line of the province of Montenegro as separated from Bosnia. At one moment, as the noble Earl has stated, the solution of the question promised considerable difficulty, but the Government thought it was their duty to resist any encroachments over the rights of the Ottoman Porte as they had been publicly acknowledged by the Conference of Paris; they thought it was a duty they owed to humanity to prevent, if possible, a repetition of those reckless and horrible scenes of plunder and insurrection which were described as constantly taking place, owing to the feuds of these mountaineers. And certainly, I think, we have a right to expect that what we have done will be attended with advantage and success. He need not add any observations to those that had fallen from the noble Earl opposite, for he himself, who had signed the Treaty of Paris, could not be more anxious than were Her Majesty's Government to maintain all its provisions inviolate and valid, not only because it was a matter of international good conduct and of diplomatic faith, but because it was essentially for the benefit of Europe that the balance of power should be fully and fairly maintained, as connected with the integrity of the Turkish empire. With respect to the intrigues adverted to by the noble Earl he regretted them as much as he did. He could only say that Her Majesty's Government looked upon all these great international questions not as poets but as politicians, and that the cry about nationalities and other epithets of that kind, which were only used to excite the imagination or mislead the mind, but which had no foundation in real political economy or wisdom, were as entirely foreign to the policy of Her Majesty's Government as they would be to the mind of the noble Earl himself. He considered that the integrity of the Ottoman empire was important to the welfare of Europe, to the preservation of peace, and the prevention of prospective disturbance and wars, and that it constituted an essential part in the great European system that had prevailed since the Peace of Paris and the Treaty of Vienna.

LORD STANLEY OF ALDERLEY suggested that it would be very desirable that a portion of the correspondence should be laid upon the table, which would show the grounds upon which the delegate from Montenegro had been appointed, the exact part taken by this country in the affair, and the reasons for the abandonment by France and Russia of the pretensions which they had originally set up.

THE EARL OF MALMESBURY said, that if the noble Lord would give notice of his intention to move for the papers referred to, he would consider what answer he should give to the proposition. At the same time he thought the noble Lord must see that after a question in dispute, which had involved a great deal of discussion and something more, had been amicably settled it would hardly be desirable to make those discussions public. But if the noble Lord doubted the character in which the delegate from Montenegro was present with the Commissioners, or the part which he had played, he could only assure the noble Lord that in the *procès-verbal* which was signed at Constantinople the delegate's name was not to be found, and that he was only there to signify the acquiescence of the Prince of Montenegro in what was done.

LORD STANLEY OF ALDERLEY would not press for papers if the noble Earl thought that it would be detrimental to the public service to produce them; still he thought that portions of the correspondence might be laid upon the table without inconvenience, which would show the exact part which this country had taken in the transaction.

House adjourned at Seven o'clock,
till to-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 17, 1859.

MINUTES.] PUBLIC BILLS.—1° Savings Banks (Ireland) Act Continuance.
2° Endowed Schools (No. 2); Consolidated Fund (£1,222,383 8*s.* 9*d.*); Consolidated Fund (£11,000,000).
3° Oaths Act Amendment.

DEBATE ON THE CHURCH RATES BILL.
OBSERVATIONS.

MR. STUART WORTLEY said, he would beg to ask the indulgence of the House while he referred to a report in one of the leading morning journals of the debate which took place in that House on the morning of Tuesday last, and to which, probably, many Members who were present on that occasion had had their attention directed. He was one of those who cheerfully acknowledged the extraordinary ability, and, he must say, the general accuracy of the Reports of the proceedings of that House by the public press, and by none more than by *The Times*; but by some extraordinary typographical error, or by some mistake, that journal published an account of that debate which was very remarkable. That journal not only omitted the greater part of the observations that he had the honour of addressing to the House (of which, of course, he should not have complained), but it attributed to him a great deal to which he had no claim. He was represented as having made a quotation from a speech supposed to have been made by Mr. Miall, and as having addressed a question to the hon. Baronet the Member for Tavistock, which he had not done. [*Loud cries of* "Order, order!"]

MR. SPEAKER: Unless the right hon. Gentleman is going to conclude with some Motion, the course he is now pursuing is not regular.

MR. STUART WORTLEY thought that, as this was a matter personally affecting himself, it was not necessary that he should conclude with a Motion.

MR. SPEAKER said, he must repeat that the hon. Gentleman was pursuing an irregular course, unless he intended to conclude with a Motion.

MR. STUART WORTLEY then said, he would conclude with the Motion that the House do adjourn. He was about to add, when called to order, that the remainder of the speech attributed to him was delivered by the right hon. Gentleman the Member for North Wiltshire (Mr. Sotheron Estcourt) who had already corrected the error so far as he himself was concerned. He moved that the House do now adjourn.

MR. SPEAKER: Unless the hon. Gentleman proposes to conclude with some Motion referring to the matter which he has introduced to the House, he does not amend the irregularity of his course of proceeding by moving the adjournment of the House. Unless the hon. Gentleman desires to propose a substantive Motion referring to the matter which he has mentioned, the course he is now pursuing is irregular.

MR. STUART WORTLEY said, he must apologize to the House for having acted irregularly. However, his object had been obtained, and he now begged to withdraw his Motion.

Motion, by leave, *withdrawn.*

ALLOWANCE ON RECEIPT STAMPS IN SCOTLAND—QUESTION.

MR. COWAN said, he wished to ask the Secretary to the Treasury if it be the case, since the issuing of the Penny Draft and Receipt Stamps in 1853, that those Stamps have been supplied in England and Ireland to the public at a deduction from the price of seven and a half per cent, which has been entirely withheld from the people of Scotland, if he can explain the grounds of this difference, and if it is intended that it shall cease, and when?

SIR STAFFORD NORTHCOTE said, the advantage to which the hon. Gentleman referred had certainly been given to persons sending their cheques to be stamped in London and Dublin because there were presses there. Steps were being taken to extend the same privilege to Edinburgh. Dies were prepared, and the only thing that was wanted was a room to receive the presses. He believed that in the course of the next week the alteration would have taken effect.

THE IONIAN ISLANDS.—QUESTION.

MR. LABOUCHERE said, it was, no doubt, in the recollection of the House that a short time ago Her Majesty's Government thought it desirable to advise that a Lord High Commissioner Extraordinary should be sent to the Ionian Islands to consider the state of those possessions, and that his right hon. Friend the Member for the University of Oxford (Mr. Gladstone) was intrusted with that Commission. Supposing, as he presumed was the case, that a Report had been received by the Government from his right hon. Friend, as Lord High Commissioner Extraordinary, he wished to ask the right hon. Gentleman the Secretary of State for the Colonies whether it is the intention of Government to present the Report of Mr. Gladstone on the state of the Ionian Islands to Parliament. He should also like to ask the right hon. Gentleman if it be true, as has been stated in the newspapers, that Sir Henry Storks has prorogued the Assembly of the Ionian Islands for six months.

SIR EDWARD BULWER LYTTON: Sir, in the publication of the Report—or I should rather say Reports, for there are more than one—of the right hon. Member for the University of Oxford there are, perhaps, no persons so interested as Her Majesty's Government, except, indeed, the very distinguished Gentleman by whom those Reports were furnished. But it is the opinion of Her Majesty's Government —in which the right hon. Member for the University fully concurs—that, whatever might be our inclination and our joint interest, it would be attended with very great injury and mischief to the public service, and would greatly embarrass Sir Henry Storks, if these Reports or any papers tending to provoke or invite discussion in Parliament at this moment were to be laid on the table. I, therefore, hope that the right hon. Gentleman and the House generally will adopt the same course of patriotic forbearance which was taken by a distinguished statesman in "another place." With regard to the question whether Sir Henry Storks has prorogued the Assembly of the Ionian States, I have to say that I have heard of the prorogation by telegram, but I am not aware whether despatches explaining the reasons for that step have yet reached the office.

THE 41ST REGIMENT.—QUESTION.

SIR DE LACY EVANS said, he would beg to ask whether any accounts have reached the War or Colonial Departments relating to the sickness and mortality to a detachment of two Companies of the 41st Regiment, detached to Trinidad, and said to have been left there unrelieved for a very long period; and, if so, whether there will be any objection to lay the same before the House; also, if there are any soldiers of the 41st Regiment who have completed their ten years' service, why they are not permitted to avail themselves of the option they are entitled to by their completion of service.

GENERAL PEEL said, in reply, that the visitation of yellow fever at Trinidad was reported to the Adjutant General in November, 1858. There were then twenty-eight casualties, of which three were officers, but immediately on the outbreak of the fever the troops were removed from the barracks and encamped in a healthy situation. There was no objection to lay the Report upon the table. In reply to the second part of the question, he begged to say that there were men in the 41st Regiment whose period of service—ten years, had expired; but by the 5th clause of the Limited Enlistment Bill the hon. and gallant Member would see that power was given to an officer in command on a foreign station to retain the services of those men for two years. That power had been exercised during the pressure of the war in India; but that emergency having now passed away, the power would not be exercised any longer.

LUNATIC ASYLUM, KINGSTON, JAMAICA.

QUESTION.

Mr. **WYLD** said, he would beg to ask the Secretary of State for the Colonies if Her Majesty's Government have appointed, or intend to appoint, a Commission to inquire into the present state of the Public Hospital and Lunatic Asylum of Kingston, Jamaica?

Sir **EDWARD BULWER LYTTON** replied, that the state of the Hospital and Asylum had occupied the very serious consideration of the Government. They had not appointed, nor did they intend to appoint, a Commission to inquire into the subject; but they had directed the Governor to make stringent inquiries on his own responsibility, and to give every facility to parties who desired to make any statements with respect to it.

STAMPS ON DEEDS—QUESTION.

Mr. **DUNLOP** said, he rose to ask the Secretary to the Treasury whether with reference to the deeds allowed by the Land Titles (Scotland) Act of last year to be indorsed in a short form on other deeds, arrangements are being made which would relieve parties from the inconvenience and risk of sending their titles to London for the purpose of having the stamp applicable to the indorsed deed impressed thereon, either by providing in Scotland the means of there impressing such stamp, or by permitting the use of adhesive stamps, or otherwise; and when such arrangements will come into operation?

Sir **STAFFORD NORTHCOTE** said, the question of the hon. and learned Member was the first notice that had been given of any inconvenience having arisen, and, therefore, no arrangements were being made respecting it. He had been in communication with the Board of Inland Revenue on the latter part of the subject, and he found that it was considered dangerous to use adhesive stamps for deeds; that they were less secure, and that they could not be applied to deeds which were written on vellum. With regard to impressing stamps in Scotland, that would entail considerable expense for a variety of dies and an establishment to impress them; and if that were done for Edinburgh it would be necessary to do it for other towns where there might be a large quantity of business transacted. It appeared to be impossible, therefore, to grant those facilities without incurring an expense which would hardly be justified. The risk of sending deeds up to London was not probably very great; but if it were found to be serious the matter, he dared say, would be again brought under the notice of Government.

THE INDIAN ARMY.

QUESTION.

Sir **ERSKINE PERRY** said, he would beg to ask the Secretary of State for India whether the Report on the organization of the Indian Army has been presented; and, if so, when it will be laid upon the table of the House.

Lord **STANLEY** said, the Report had just been presented, but the evidence was not quite ready; and it was thought best that the Report and the evidence should be laid upon the table together.

HARBOURS OF REFUGE.

QUESTION.

Mr. **BAXTER** said, he wished to ask the Secretary to the Treasury if the attention to the Government has been directed to the Report of the Commissioners on the subject of Harbours of Refuge, recommending grants of public money, amounting to £2,365,000 to ten harbours; and if the Government intend to propose in the Estimates for 1859 to take a Vote on account, by agreeing to which the House would be committed to this expenditure; and if any further sum was to be asked this year for the works at Alderney and Dover.

Sir **STAFFORD NORTHCOTE** said, the Report of the Commissioners had been presented only a few days before, and its importance was such that the Government could not possibly give any answer at present as to the course which they might adopt with respect to it. With regard to the latter part of the hon. Member's question, it was intended to take the usual Vote this year for the works at Dover and Alderney.

COMMISSIONER YEH—QUESTION.

Mr. CRAWFORD said, he would beg to ask the Secretary of State for India whether Commissioner Yeh is still under restraint at Calcutta, and what are the intions of the Government with respect to him.

Lord STANLEY replied, that he had received no official Report on the subject; but he believed Commissioner Yeh was still detained at Calcutta. He apprehended, however, when the ratifications of the Treaty with China were exchanged that Commissioner Yeh would return to his own country.

THE REFORM BILL.—QUESTION.

Mr. HUTT said, he would beg to ask Mr. Chancellor of the Exchequer whether the Government contemplate introducing into the Reform Bill, in Committee, any other Amendment than that of which he has given notice to the House?

The CHANCELLOR of the EXCHEQUER: Sir, when the Reform Bill is in Committee, I have no doubt that there is scarcely a Member of this House who will not propose an Amendment. I have no doubt, also, that many of the Amendments then proposed will be favourably received by the House; and I hope that the hon. Gentleman will not grudge the same privilege to Her Majesty's Government.

Mr. STEUART said, he would also beg to ask Mr. Chancellor of the Exchequer if he can give any idea of the numbers who would be added to the franchise if the possession of £60 in the Savings' Bank were to be a qualification, and similarly if the sum fixed were £40.

The CHANCELLOR of the EXCHEQUER: Sir, I have directed estimates to be framed, based on returns, of the numbers who will be added to the constituency if the possession of £60, of £40, and of £30 respectively is made a qualification for the elective franchise, and these estimates will be laid on the table as soon as possible.

Mr. RIDLEY said, he wished to ask Mr. Chancellor of the Exchequer when he will lay upon the table of the House the clauses which he proposes to insert in the Representation of the people Bill respecting the proposed disfranchisement of those county voters whose qualification is derived from property situated within Parliamentary cities and boroughs?

The CHANCELLOR of the EXCHEQUER: Sir, I find that what I propose to do can be effected by a single clause, and I hope to lay that clause upon the table this evening. My object will be to carry into effect the Notice of Motion which was given by my hon. Friend the Member for East Somersetshire (Mr. Miles)—namely, to respect the rights of all existing freeholders who at present possess a qualification in a borough. We propose to add to that that a freeholder in a borough shall have the option of voting either for the county or the borough.

THE BRITISH MUSEUM.

COMMITTEE MOVED FOR.

Mr. GREGORY said, he rose to move for the appointment of a Select Committee to inquire into the re-organization of the British Museum. As, however, the right hon. Gentleman the Chancellor of the Exchequer had consented to grant this Committee, he did not consider it necessary to enter into any elaborate statement of the motives which had induced him to make the Motion. He must, however, ask the attention of the House for a short time while he endeavoured to show that he was not going unnecessarily to occupy the time of those hon. Gentlemen who might consent to serve on the Committee, or to defeat the laudable intention of the Government to remedy the defective state of the Museum. That the British Museum was at present in a lamentable state of congestion must be apparent to any one who had either visited it or read the reports of the heads of departments. So far back as the year 1854, Dr. Grey, the keeper of the zoological department, reported that the zoological collection, which had cost between £14,000 and £15,000, besides the specimens presented, was almost entirely useless to the public from its inaccessibility, and that, if it were not shortly removed to a drier place, it would be utterly destroyed. In November, 1857, Mr. Panizzi stated that no specimen in this department could be scientifically examined without displacing two or three others; that the osteological collection, as well as many of the specimens preserved in spirits, being placed in the basement, were altogether withdrawn from public exhibition, and were only studied by scientific men on special occasions, and at great personal inconvenience; and that the trustees could not exhibit the collection of prints and drawings for want of space. Now, it was quite unnecessary for him to comment on the loss the public had sustained by the valuable collection of prints and drawings being withdrawn from them. They were the drawings of the great ancient masters, and of all things he should consider were most essential to form the tastes and direct the studies of artists. Perhaps, too, some of the architectural designs might be studied to advantage by future Chief Commissioners of Woods and Forests. Any person who had gone to the British Museum must be aware that the drawings that were exhibited were exhibited most imperfectly as regarded the place in which they were put, and as regarded light. Mr. Panizzi proceeded to show that the department of antiquities was in a more hopeless condition. But into these statements of Mr. Panizzi he would not enter. It was only necessary for any gentleman to make use of his eyes as he entered the precincts of the Museum. He would be astonished to see a series of glass conservatories extending all round, and defacing the colonnade, in which were stored away some of the noblest treasures of ancient art, which had been sent to us by Mr. Newton from Halicarnassus. If he asked to see the mosaics discovered at Carthage by Mr. Davis he would be taken down into the regions of Erebus and Orcus and eternal night, down mysterious cellars where these valuable relics slept quite as undisturbed, as when beneath the ruins of Carthage, covered with several feet of earth. Last year a suggestion was made in that House by his noble Friend the Member for Haddington (Lord Elcho), which the Chancellor of the Exchequer seemed disposed to adopt—namely, that the natural history collections should be removed from the Museum; that the geological one should find refuge in Jermyn-street, and the botanical one at Kew, and that the zoological collection should be provided for by either the Zoological or Linnæan Society. The unanimity in favour of that scheme which prevailed in the House of Commons was not, however, shared by the public out of doors, for on the 19th of July a protest against it was presented to the Chancellor of the Exchequer, signed by 114 gentlemen, among whom were all the officers in the department of natural history, and some of the most eminent scientific men in the country, such, for instance, as Professor Owen, Sir Charles Lyell, Sir John Herschell, Professor Sedgwick, and Dr. Whewell. Their objection to this plan, as was clear from the undertone that pervaded the memorial, arose principally from an apprehension that if it were adopted, the natural history collections would be dispersed to the four winds of heaven; but he believed that many of them would modify these opinions if they had an understanding that those collections should be preserved unseparated, and in a condition worthy of their importance and of the reputation of the country. Indeed, he had the authority of Professor Owen for saying that he should be willing to withdraw his name from the protest referred to if he was satisfied that the natural history collection would be kept together and transferred to some suitable establishment. He (Mr. Gregory) thought there ought to be a Committee, in order to give the gentlemen who had signed the protest an opportunity of further explaining their views as to the general question of the removal of the collections, and also should that point be decided in the affirmative, upon the next question—namely, "where to" should they be removed? He understood that the Government had already determined to remove the natural history collections to Brompton; but he could well remember the storm of indignation brought to bear on a similar proposal with respect to the National Gallery by Lord Elcho. All experience proved that the collections of natural history were the most popular of all the collections in the British Museum, and therefore the question of their removal ought to receive the fullest investigation. Granting that they ought to be removed, the Government should consider, before sending them to Brompton, whether there were not other sites which would be more easy of access to the people, and which would give a greater amount of accommodation. He need not say that he alluded to the Regent's-park, which would have the additional advantage of bringing the zoological specimens in the British Museum into closer proximity to the Zoological-gardens. It had been said that further inquiry was unnecessary, and that the Reports of former Committees and Commissions, and the papers relating to the transactions of the Museum, afforded quite sufficient information on the subject. He altogether demurred to that statement.

The Report of the Committee of 1836 referred to a totally different state of things from that which existed now, and its conclusions were as little suited to the present time as the Reform Bill of 1832 was felt by hon. Gentlemen below the gangway to be suitable to the present year. The Report of the Commission of 1850 was entirely occupied with the internal administration of the Museum, and especially of the department of printed books. It had no reference whatever to the question of increased accommodation or the removal of any of the collections. The points which he wished to be inquired into were not even incidentally touched upon by the National Gallery Committee. The National Gallery Site Committee of 1853, though it alluded to the removal of the natural history collections, was appointed to consider a question of art, and the witnesses who were examined before it were painters and sculptors. Its investigations, therefore, were not conducted in a manner which could afford any satisfaction to men of science. He now turned to the papers which had been presented to Parliament, and from them he should be able to show that the Government possessed no information on the subject. In 1857, Mr. Panizzi was called upon to report on the general condition of the Museum; but, as he stated in his very able report, he was precluded "from even speculating on the possibility of the natural history collections being ever detached from the rest of the Museum." The next paper was the protest of 114 cultivators and promoters of science, against the removal of the natural history collections at all. After that came another paper drawn up by Professor Owen, in which he modified his opinion as contained in that protest. This was accompanied by an elaborate plan drawn up for the reconstruction of the several departments of natural history. But that report was never presented to the Government at all; for the trustees decided that it should not be presented [Lord JOHN RUSSELL: Oh, oh!] He had good authority, however, for asserting that it was so; and in reality, therefore, the Government had derived no information whatever, either from the reports of Committees or Commissions, or from documents relating to the Museum. He maintained that they could not form an opinion without some further inquiry. But it might be said—and this was an argument which he anticipated would be relied on—that Parliament ought not to deal with such a matter, and that the responsibility of action should rest upon the Government alone, the House of Commons reserving the right of discussing their plan when it was produced. He could not assent to that proposition, because in the first place, the criticism of private individuals, unless fortified by the evidence of persons competent to speak on the subject, would have little weight when opposed to a scheme submitted by the Government; and because, in the second place, the Government, being a political body, did not necessarily possess any exclusive scientific knowledge. In matters of politics the Government ought of right to take the initiative, but in matters of science it must derive its information from without, and he could not conceive of any tribunal more capable of giving it sound advice than a Select Committee. He believed that it would also be urged as an objection to this Committee that the Trustees themselves should somehow initiate an investigation. He saw, by the papers on the table of the House, that on the 12th of February last a Resolution was passed by the Trustees to the effect that a letter should be written calling the attention of the Treasury to the letter of the 14th of June, 1858, and stating the readiness of the Trustees to deliberate and report on the proposed increased accommodation for the museum collection. He, however, altogether objected to the Trustees being the parties to take the initiative in a matter of this kind. He had a great respect for them individually and collectively; but they were not a responsible body. The elected Trustees elected themselves; and the question to be decided was the expenditure of a large sum of money and the site of a great public establishment highly connected with the convenience of the public. The Trustees after all could only arrive at any report by adopting precisely the same process as a Committee of the House of Commons,—namely, by examining witnesses, and he infinitely preferred that a Committee of the House of Commons, accessible to the public and to the press, should be called on to give its opinion to the Government in the first instance on questions of that kind rather than an irresponsible Committee of Directors, who might take as much or as little evidence as they liked, and of whose unanimity or differences no opinion could be formed. He trusted that if any opposition should be made to the appointment of a Committee, it would not proceed from the Trustees. Another point requiring inquiry was the future structure of the Museum. The Trustees appeared from the Parliamentary papers to have considered the subject together with their architect, Mr. Smirke, and to have come to the decision to adopt the plan prepared by Mr. Smirke. It was hardly credible that in a matter of this kind not one single officer connected with the different departments was ever consulted. Professor Owen was never consulted or spoken to on the subject; Mr. Maskelyne, in the mineralogical department; Dr. Gray, in the zoological department, and Mr. Hawkins, the keeper of antiquities, had been simply ignored. Surely if these Gentlemen were at all worthy of the position they occupy, their opinions were worth obtaining. What was the consequence? Mr. Hawkins sent in a virtual, though unconscious protest against the whole plan of Mr. Smirke, which had been adopted by the Trustees. That gentleman objected to the direction in which Mr. Smirke proposed to build, and to the architectural details of the plan, as being totally unfitted to the proper and scientific exhibition of subjects of sculpture. It was not his intention to throw any blame on Mr. Smirke, because he was hampered in his plan by the instruction he received from the Trustees not to consider the possibility of the natural history collection being removed from the Museum. How, then, was the Government to act with respect to two plans entirely opposed to each other—the one authorized by the Trustees, supposing that a state of things shall continue, which it is evidently the feeling of the Government and the House of Commons that it should not continue, and the other that of Mr. Hawkins based on the intention, upon which the Government intended to act, of removing the collection? Therefore, if ever there was a legitimate subject of inquiry, this was one. There were also one or two minor matters connected with the Museum which he thought should be rectified. He desired that the Government should be able to make some change in the Act of Parliament by which at present bequests were confined to the Museum. He thought it advisable that some latitude should be given to the Trustees, so that they might be enabled to remove duplicates and specimens which they did not require. According to the Act of Parliament the Trustees were unable to get rid of these specimens except by sale or exchange. There were, however, many articles, which could not be sold or exchanged, but which local museums would be happy to receive. With respect to duplicates of books, it was most advisable that there should be a power of removing them to district libraries, in case they should at any future period be established in London, and thereby the present excessive pressure which the deserved popularity of the Museum reading-room had brought on it would be relieved. A reference to the catalogue of the British Museum would show that there were some articles which it would be difficult either to sell or exchange; for instance, in the Sloane catalogue, one of the articles was the "breeches of a gentleman singed by thunder." Some years ago the Trustees adopted an excellent plan of getting rid of some of their surplus articles. They dug a hole under the Museum and buried in it all the rubbish. The workmen some time since engaged in opening a new foundation came upon these remains which were again exhumed. At present there was such an accumulation that they would have now to dig a much larger hole for burying still more rubbish. In some future time the excavator on the ruins of London (when the prophecies of Sir A. Alison came true) will be like Virgil's tiller of the soil: he will turn up with his spade the mutilated heads and limbs of Greek and Roman statues, and marvel at the gigantic bones of monsters buried out of the way by Professor Owen. Another subject of inquiry eminently suited to a Committee of that House was the connection between the heads of departments and the Trustees. He was anxious to see the heads of departments brought into immediate communication with the Trustees, when the business of the respective departments was considered. He should also be anxious to ascertain how far greater latitude might be given to the heads of departments in the arrangement of the collections. Again, with respect to the constitution of the Board of Trustees, he could not help thinking that something might be done in the way of improvement. He hoped no Trustee would be offended at what he was about to say. It was not his intention to make a vulgar *ad captandum* speech, and say that great dukes and men of title were not the persons to superintend a great scientific institution of this kind. Quite the reverse. He conceived that it was important that men having their leisure, education, taste, and influence in both Houses of the Legislature, should occupy the position of Trustees, he hoped to see the Museum estimates always moved by some great statesman having the confidence of the House; but he should be glad to see the proposed Committee pursue the investigation commenced in 1836, when Mr. Ridley Colborne proposed a Resolution to the effect that it was to be regretted that, without underrating the value of rank, wealth, and high station, in the character of the Trustees, selections were not more frequently made from those men who were distinguished by their knowledge in science and literature, and that it was hoped that in future this consideration would have weight. Lord Stanley, the present Prime Minister, moved an Amendment that in filling up vacancies in the trust it was desirable that the Trustees should not lose sight of the opportunity thus afforded of occasionally conferring a mark of distinction on men of eminence in literature and science. He confessed that the word "occasionally" grated on his ears, and it appeared also to have grated on the ears of the Committee; for, on a division taken upon a Motion to omit that word, the Motion was only defeated by a majority of one. Since then thirteen new Trustees had been elected, and he should indeed be hard to please if he found fault with any of them. Still he could not but think that the Board should contain a certain proportion of men whose sole claims to distinction arose from their literary or scientific achievements. The last point to which he would advert was the expediency of giving popular lectures in connection with the Museum. The principle had already been established, because Professor Owen had received his appointment on the understanding that he should deliver lectures on physical science in Jermyn Street, but he was debarred, owing to want of accommodation, from delivering them at the British Museum. Professor Owen, who was examined before the Commission of 1850, expressed a strong opinion in favour of the delivery of lectures in connection with the British Museum, and had instanced the good which had been derived from the Hunterian course at the College of Surgeons; many persons having made bequests to the College, in acknowledgment of the benefit they had derived from these lectures. To quote the Professor's own words in his inaugural address last year to the British Association at Leeds,

> "To open the book of nature without providing means for explaining her language to the masses was akin to the system which kept the Book of God sealed to the multitude in a dead tongue."

Year after year treasures of art and science from every quarter of the globe were poured into that great institution, and this valuable collection ought not to be made a mere raree-show for the gaze of loungers who had no means of appreciating its meaning and its worth. The higher classes had the means of purchasing or borrowing books necessary for the prosecution of their particular studies, they could always obtain introductions to some of the assistants at the Museum, who would explain to them the various objects which it contained, and he contended that measures should be taken for affording similar information to the middle classes and the more intelligent members of the working class. Some years ago he was introduced by a gentleman to several of the weavers of Coventry who were engaged in making collections illustrating the entomology of the neighbourhood. Instead of haunting the public-house they went on Sundays into the fields, and they succeeded in finding many remarkable specimens, which they took great pleasure in showing to him. But their great want was instruction. They lamented their want of books and teaching. The most they could do was to acquire a certain amount of empirical information; but without proper books or oral instruction many a working man, who might under more favourable circumstances achieve distinction, must for ever forego pursuits on which he might have shed much honour. From the year 1823 up to the year 1850 upwards of £2,000,000 had been spent upon the collections and buildings of the Museum, and he contended that the persons who paid that amount had a perfect right to participate in the advantages of the expenditure. That this Committee might cause some delay in the action of the Government (if the Government really was ready for action) he was ready to acknowledge, but it would only be for a short period, for the inquiry would not be a protracted one, but even that delay was as nothing compared with the misfortune of a wrong decision. As the reorganization of the British Museum was determined on, it was upon that reorganization that the reputation of this country as a scientific country would in the estimation of foreign nations stand or fall.

With its vast opportunities for collecting all that was rich and rare, with its vast expenditure, England could not consent that its National Museum should be either a failure or a mediocrity, and therefore believing that if we have an inquiry we should have light and be successful, but that if we walked in darkness, it would fare with us, as it fared with all those who eschewed the light, we should stumble and fall.

SIR JOHN SHELLEY seconded the Motion.

Motion made and Question proposed,—" That a Select Committee be appointed to inquire into the reorganization of the British Museum.

LORD ELCHO said, the hon. Gentleman had, in his eloquent speech, touched upon various topics connected with the present condition of the Museum and he (Lord Elcho) rose with the hope of pointing out a course which might reconcile the duties of Trustees with the Motion of the hon. Gentleman. He (Lord Elcho) proposed to confine his observations to one of those topics only—namely, the question of the arrangement of the collections in the British Museum, and the utter want of space which existed for the collections which at present existed. The hon. Gentleman had said he thought it desirable that others than Dukes, and Lords, and Members of Parliament should be Trustees of the Museum, and he had urged the necessity of placing among that body scientific men. But at this moment the Trustees included four gentlemen highly distinguished for their scientific attainments—namely, Sir Roderick Murchison, who was second to none in scientific reputation ;—there was a distinguished Member of that House, Sir Philip Egerton, whose name was unrivalled in that department of science in which he had attained an European reputation—there was the President of the Royal Society (Sir B. Brodie)—and there was the President of the College of Physicians (Dr. Mayo). Therefore he must repeat that science was fully and fairly represented among the Trustees. Then there was the subject of lectures; as to which he thought that a Committee was hardly necessary, because Professor Owen had been appointed to the head of the scientific department of the British Museum on the express condition that he was to deliver lectures, if required to do so. That therefore was a matter with which the Trustees were quite competent to deal. He would further remark that an inquiry such as that proposed by his hon. Friend would last till Doomsday, considering the magnitude of the subjects with which he proposed to deal. But inquiries had already been instituted ; in the year 1835-6 there was a Committee which went very fully into most of the points referred to by his hon. Friend. Then again in 1847 there was a Royal Commission appointed, under the presidency of the Duke of Somarset, which sat for four years, and went most minutely into all the questions affecting the relative positions of the Trustees and their officers. Indeed they dealt, he believed, with all the points referred to by his hon. Friend, except the question of the arrangement of the Museum. He concurred in the views of the hon. Gentleman on that subject. Any one acquainted with the Museum would admit that its state in this respect was what might be termed a state of chronic congestion, without much arrangement or system, in which each department was endeavouring to oust the other in order to obtain space. But even on this subject an inquiry had taken place before the Committee upon the National Gallery which sat in 1853. That Committee was certainly not directed to this special subject ; but he himself (Lord Elcho) brought before the Committee the question of the propriety of appointing a Royal Commission to inquire whether it might not be advisable to combine the arrangement of the national pictures with that of the fine art and archæological collections in the British Museum. Subsequently the Commission upon the National Gallery site went fully into the question of the removal of the archæological and fine art collection from the British Museum; and a reference to the evidence taken before that Commission would show the crowded state of the Museum, and the necessity of some steps being taken to relieve this plethora. True, the Commission reported against the removal of the archæological and fine art collection, giving no opinion as to the desirability of removing the zoological and natural history collection. What he maintained, however, was that incidentally there had been inquiry into these very subjects, and indeed it only required the evidence of one's eyes to see the crowded state of the collections ; the evidence and printed correspondence on the subject were quite sufficient to answer the simple question, whether these collections ought, or ought not, to remain where they were for all time to come ? Mr. Panizzi, in his evidence before the Committee of 1836, said,—

> "The department of natural history ought to be transfered somewhere else. I wish to impress upon the Committee the absolute necessity of this separation. No good can ever be done without it."

Again in 1848, Mr. Panizzi observed that every year the question pressed stronger upon the minds of all who turned their attention to the subject, whether collections of rarities from all countries of the globe—from the depths of the ocean—from the immensity of aërial space—together with the ruins of ancient cities—should all be crowded together under one roof, or whether some portions of them might not be maintained in separate buildings proportionate to the wealth and power of the country to which they belonged. He then suggested that the natural history department of the collection ought to be transferred to some other place. Last year, when this subject was under discussion he (Lord Elcho) ventured to express a hope that the Chancellor of the Exchequer would deal with this question himself and speedily, and not refer it once more to a Commission or Committee. Upon that occasion the right hon. Gentleman said—

> "That the time would come—indeed he might say had already come—when they must consider the question of how the public collections of this country could be most effectually arranged. That was a question which could no longer be avoided. He was not at all prepared to say that the consideration of the question should be postponed. Committee and Commission had fulfilled their tasks. All the information required upon the subject was before the House, and what was required was a determination to avail themselves of it, in order to act upon it.

He (Lord Elcho) now heard from his hon. Friend that the right hon. Gentleman had given his sanction to the appointment of the Committee. He would not twit the right hon. Gentleman with his change of opinion, but he must say that nothing had occurred which should have led him to take a different view. He knew that the right hon. Gentleman had visited the Museum lately, and had spent several hours there, and he must have been convinced from what he saw, that it was impossible it could remain in its present state. The correspondence which had been laid before Parliament would tend to show equally that there was a want of space in the Museum, and his hon. Friend had said that Mr. Owen had drawn up a report, in which he had stated that he had no room to exhibit the specimens that there were in the Museum; and he had drawn out a scheme for a national collection, which occupied a space equal to that covered by the British Meseum alone. Nothing, therefore, had occurred to induce the right hon. Gentleman to change his opinion, unless it were the publication of a document which had been drawn up by certain gentlemen who seemed to be afraid that the interests of science were likely to be neglected. His hon. Friend had said that that document was owing to what had fallen from him (Lord Elcho), when he had recommended, in a light and airy way, that the natural history collection should be scattered over the metropolis. He (Lord Elcho) certainly did say that such and such arrangements might be made, but he did not say that they ought to to made. He did not pretend to so much insight as his hon. Friend, who declared he had seen some antiquities from the ruins of Carthage when they were buried under seven feet of earth. The question was one for the Government to decide after hearing proper evidence, and there was nothing in his suggestions, therefore, which need have alarmed these gentlemen. Nor had he intended in the least to slight the claims of science in this matter. It would be folly to contend that the interests of art were to be considered at the expense of science; and that such was not his view was evident, because the question referred to the Commission of which he had spoken was, whether it would not be possible to combine with the National Gallery the fine art and archæological collections from the Museum. But the objection to the removal of these collections was the expense which would be incurred on account of their bulky character. A butterfly might be removed without difficulty, but not a marble plinth. The mere removal of one statue from one side of the Egyptian gallery to the other—a space not wider than this House—cost £60; and when the expense of removing all these bulky works was considered, hon. Members would probably come to the conclusion that the archæological and fine art collection must remain where it was, and that if space could not be found on the present site, the natural history collection must be removed. Justice could not be done to the scientific collection if it were allowed to remain where it was. At present, there were skins of birds, beasts, and fishes, poked away in drawers, unstuffed and unexhibited; and those which were exhibited were so crowded, that in many instances it was impossible to distinguish one specimen from another. It was essential that some order should be brought into this chaos. Let the House consider what were the contents of the Museum. They consisted of stuffed birds, beasts, and fishes, dried plants, insects, and desiccated natives (so they were ticketed), from the South Sea Islands, minerals, geological specimens, and antediluvian reptiles, mediæval pottery and glass, Egyptian, Assyrian, Grecian, Roman, Celtic, and Saxon antiquities, and works of art; the finest archæological and fine art collection in the world, besides ancient coins, gems, and medals, drawings, manuscripts, etchings, engravings, and a library of 600,000 volumes, increasing at the rate of 16,000 volumes a year. When to this was added a copy of every newspaper published in the British Islands and in the Colonies, hon. Gentlemen would see the chaotic state to which the Museum must be reduced, and the impossibility of finding space on the present site for a collection so rapidly accumulating. With due deference to his hon. Friend, therefore, he ventured to say this was the time, not for inquiry, but for action. The course he ventured to suggest to the right hon. Gentleman was this—that he should not object to the Committee proposed by his hon. Friend, but that before any inquiry took place, the subject should be referred to the Trustees, who should lay their views upon the whole question before the Government, and that their proposals should be laid upon the table of the House. If their proposals should not be satisfactory to his hon. Friend, or to other hon. Members who took an interest in the subject, then let an inquiry, by a Committee, take place. The mode in which the House dealt with the National Gallery question had been referred to, but that, he thought, was not a good specimen of the result of a Parliamentary inquiry. The Committee upon that question issued a Report, in which they recommended the adoption of a site at Kensington, but that recommendation was carried by a majority of only one. The Government, instead of acting upon their own suggestions, brought in a Bill to carry into effect the recommendation of the Committee, but public opinion did not support the decision of the Committee, and he succeeded in carrying a Motion against the Government. It might happen that if a Committee at once began to inquire into the subject, its labours would be interrupted by a dissolution of Parliament, and the inquiry would have to be commenced afresh on the meeting of a new Parliament.

Mr. SLANEY said, he hoped that in any re-organization of the British Museum means would be taken to provide lectures, especially upon natural history, at a time when they could be attended by the humbler classes. He had derived great entertainment and instruction from the lectures of Professor Owen, but they were given, he was sorry to say, at an hour when the working classes could not attend. Many of that class took great delight in investigating natural history, and some of our best writers on that subject had sprung from that class. One of the best books on fishes and birds was written by one whom he had great pleasure to call his friend, the late Mr. Yarrell, and who when living was a humble tradesman in the neighbourhood of St. James's Street.

Sir JOHN SHELLEY said, he thought it desirable that the Committee should be appointed. After what had occurred about the National Gallery, it was quite essential that an inquiry should take place. A memorial against the separation of the collections in the Museum had been signed by all the leading men of science in the country, who said that the removal of any of the collections from their present central position would be viewed with great disfavour by the public generally.

Mr. MONCKTON MILNES observed that the proposition of the noble Lord opposite (Lord Elcho) would have the effect of shelving the Committee altogether; for if they were not to inquire until some indefinite time when the Trustees had inquired and reported, they were not likely to inquire at all. There was, he thought, another grave objection to the proposition of the noble Lord, which was, that the Trustees would guide the Committee instead of the Committee the Trustees. In his opinion, as it would be impossible much longer to avoid a large expenditure in enlarging the Museum, a Committee should be appointed to ascertain in what manner the money could be most beneficially and economically expended. It was not, he thought, true that the subject was already exhausted, and he fancied that when the Committee entered upon their labours they would find the question to be fresher than was generally supposed. The previous Committees and Commissions had entirely evaded the question of arrangement and subdivision. In his opinion the labours of the Committee would be extremely useful, and he hoped they would approach the consideration of the subject with minds entirely free from unjust suspicions, and that no factious or unworthy feelings (with regard to erroneous impressions relating to distinguished persons) would taint the results to which they might arrive. He ventured to suggest that as the present remuneration to the officers of the British Museum was extremely small, regard being had to their acquirements and to what they might be able to obtain elsewhere, the question of remunerating them better might form a fitting subject for inquiry by the Committee.

The CHANCELLOR of the EXCHEQUER said, he still retained the opinion which he had expressed last year—that the consideration of this question by the House ought not to be much longer delayed. He thought that the House and the Government were in possession of all the information requisite to guide them in that reorganization of this institution which was not only necessary, but inevitable. They could not retain its character as a first-rate institution unless they took some means of reorganizing its different branches. He repeated that the labours of Committees and Commissions, and the information thence resulting, appeared to him quite sufficient to guide the Government in the task of reorganization; and with those views, which he still retained, he had certainly expressed the opinion that further inquiry was unnecessary, assuming that it would be the duty of Government to recommend to Parliament some means by which the evils complained of might be remedied. But unfortunately it had not been in the power of Government to make such a proposition. The pressure of business had prevented their dealing with the subject, which they had certainly intended to do; and he had now to consider whether, being unable to realize the expectations which he had held out to the House, he ought to oppose the inquiry which the hon. Gentleman proposed, and which was generally approved. The object of that inquiry was not merely to obtain information. A Committee was often very useful in reconciling conflicting opinions, and in preparing the public mind for a solution of questions of this nature. A Committee in this case could do no harm, and might do good. If he found the Committee interfering with the Government he should certainly say, "We have information enough—allow us to use the information we have, and attempt the adjustment of a long-controverted question." But the Government was not in a position at that moment to hold out to the House any fair expectation of dealing with the question this Session; and he could not understand why a Committee of the House could in any way form an obstacle to the Government in dealing with the question. If the Government was prepared to deal with the question, he should certainly intimate to the Committee with very great respect that the Government did not wish them to prolong their labours to too great an extent. They had attempted to deal with the question of the National Gallery, and had brought it to a satisfactory arrangement. But he saw no hope of the Government being able to deal with the question this Session. Under the circumstances an inquiry by a Committee of that House might be of benefit; if it did not bring any fresh information, any new results to those who had given great attention to the subject, it might still have a tendency to prepare the public mind for that change which he considered inevitable; and with that view he consented to the appointment of the Committee.

Lord JOHN RUSSELL said, he was not at all disposed to complain of the decision at which the right hon. Gentleman had arrived. The announcement made by the Government last year, that they would hear no more of Committees or Commissions but decide the question themselves, was, perhaps, somewhat hasty. He could not concur in the remark made by the hon. Mover of this Motion, that the Trustees of the British Museum must be the persons of all others least qualified to give an opinion on this subject. On the contrary, if they had attended to their duties at all, they ought to be well able to express such an opinion. The position of the British Museum appeared to be this:—In January, 1858, the Standing Committee came to a Resolution that there was a great deficiency of space, and that in considering the means of providing adequate space they ought to confine themselves to the actual and immediate requirements of the Museum. The majority of the Trustees thought it would be the best way of deciding the question to adopt the Report of that Committee; he himself thought that it ought to be referred to the Government as it involved very large considerations. The institution consisted of three great divisions. First, there was the library, comprising 600,000 volumes, and increasing very largely every year. It was the best library in Europe. It had capacity to receive the additions which would probably be made to it during the next forty years; the reading-room afforded every convenience for study; and the facilities with which works were supplied to those who wished to peruse them were quite unexampled. The state of the library, therefore, though it might be still capable of some minor improvements, did not call for any extensive change. The case, however, was different with the archæological department, which was of great value in illustrating the history of art; and in regard to the natural history branch the deficiency of accommodation was still greater. The stuffed animals were crowded together in such a manner that it was impossible to distinguish the characteristics of the different specimens. The architect had proposed a plan by which, for a sum of £150,000, some of these deficiencies would be removed for a limited number of years. The question to be considered by Parliament and the Government and by the Committee, if it should be appointed, was this—whether it would be wise to go on erecting additions to the north-east and west of the existing building, or whether they ought to seek for another site in which to place a part of these collections. His opinion was that the latter course would be the best mode of preserving and increasing these collections in a manner worthy of the country. The enlargement of the present buildings, for which purpose they would require to purchase land of very great value, would necessarily be attended with very heavy expense. But supposing they decided to remove a portion of these collections, the next question was, what portion should it be? Sir R. Murchison and other eminent scientific men thought that the natural history department contained objects of very great interest, and that when sufficient space was being obtained for its accommodation the site chosen should be a convenient one for the public. Another question which the hon. Gentleman wished to raise was with reference to the government of the Museum. He thought no one could doubt that, the Museum having been partly formed by bequests, the representatives of the families which had made them must remain part of the governing body. The Earl of Derby and the Earl of Cawdor sat as Trustees on that account, and he did not think that it would be right to displace them. The hon. Gentleman had said, somewhat incorrectly, that the Trustees named their own body. The constitution of the trust was certainly a very peculiar one. The official Trustees were the persons who filled up any vacancies which might occur, and they had recently exercised their power by the appointment as a Trustee of Mr. Grote, a gentleman who was distinguished both in history and general literature, and who would be a great acquisition to the trust. Another portion of the Trustees nominated to all offices to which any salary was attached, and a third, called the Standing Committee, attended to the regular superintendence of the Museum. He believed that they discharged their duties most conscientiously. There were generally eight or ten members of the Committee present at a meeting, and among those who were most regular in their attendance were Lord Macaulay, Sir R. Murchison, and the Marquess of Lansdowne. The present constitution of the governing body was formed on the suggestions of the late Sir Robert Peel, and he (Lord John Russell) doubted, therefore, very much whether the constitution of the trust could be improved; but although he thought that the question had been brought forward by the hon. Gentleman rather too much in an agitating spirit, he had no objection, nor had the Trustees any, to the appointment of the Committee.

SIR GEORGE LEWIS said, that as the right hon. Gentleman the Chancellor of the Exchequer appeared to have a clear opinion as to the course which ought to be adopted with regard to the British Museum, it was desirable that when this Committee commenced its investigation it should be informed of the conclusion at which the Government had arrived. He understood that conclusion to be that it would be expedient to divide the collections of the British Museum, and no longer to act upon the principle of combining the different collections—the library, the collections of ancient art and the natural history collections—under one roof. If the Government having arrived at that conclusion should not have found leisure to mature means for carrying their opinion into effect, such a conclusion ought to operate on the inquries about to be commenced. There was another point to which he wished to advert. He did not think that if the Committee were appointed according to the terms which the hon. Mover had proposed, it would be very easy for them to understand exactly what was the subject of inquiry; he did not think that the term "reorganization" of the British Museum precisely designated the hon. Gentleman's object. The main subject to be referred for inquiry was, whether the existing collections of the British Museum should be kept combined under one roof, or whether some portion should be removed to another locality; whether, in fact, there should be a fresh building for the purposes of the Museum. If that were the object, it would be desirable to use terms to express the meaning more accurately. If the hon. Gentleman desired to introduce the question of the constitution of the body of Trustees, or to refer to their administration, he should distinctly express his intention. It seemed to him doubtful whether it was desirable that the inquiry should embrace that subject. An inquiry had taken place some years ago, under the Duke of Somerset, into the constitution of the British Museum, and he (Sir George Lewis) was not aware that there were any complaints as to the constitution of the body of Trustees, or that any necessity had been shown for investigation into the construction of that body. As a Trustee of the British Museum he should make no objection to any inquiry into the constitution or administration of the trust, but if there should not be any reason for such inquiry it would be easy to bind down the inquiry to the main subject, whether there should be a distribution of the contents of the Museum. He would suggest, therefore, that the hon. Member should either amend the terms of his Motion at once, or, if not prepared to do so at that moment, that he should withdraw the Motion and give notice of introducing it in an amended form next day.

Mr. SOTHERON ESTCOURT said, he entirely agreed with the right hon. Gentleman who last addressed the House that the Motion of the hon. Gentleman the Member for Galway was so worded as to open so wide a field for inquiry that it was hardly possible to know to what particular subject the Committee should confine its investigation. If the word reorganization was retained the Committee would have to extend its labours for many years; but he understood the hon. Gentleman to complain chiefly of the want of accommodation, and with regard to that point they found that the room was clearly insufficient for the purposes of the institution, and they were almost driven to the necesssity of dividing the collection. He would therefore suggest to the hon. Gentleman, in the room of organization, to substitute some words by which the Committee would understand that they were to consider the present amount of accommodation, with a view to a better disposal of the collection. Within that limit the Committee might collect a large amount of important and useful information in which the opinions of all might be brought, as it were, into a focus. He did not, however, understand the Chancellor of the Exchequer to have expressed any definite opinion as to the separation of the several collections, beyond pointing out that from the limited area of the existing Museum it was impossible that they should be kept together.

Mr. AYRTON said, he would suggest that the terms of the Motion should be for a "Select Committee to inquire into the accommodation furnished in the British Museum, and whether any change of site was desirable."

Mr. GREGORY said, that in framing his Motion he had purposely used words of rather wide signification, because, besides the question as to the separation of the collections and the site, he wished to embrace in the reference certain points of detail connected with the internal structure of the Museum, which should be so decided as to leave no doubt that they should have a lecture-room and lectures in the Museum. He would, therefore, willingly fall in with the suggestion of the House if any hon. Member would find him a word comprehensive enough to include the disposition of the collection, the site of the building, its structure, the establishment of lectures, and the providing of a lecture-room. He had not intended to say, as the noble Lord had represented, that the trust was too much in the hands of noble Dukes and great persons, nor to contend that the Trustees ought not to be consulted in this matter. What he wanted was, to introduce into the trust men who had derived their eminence exclusively from science. He would, however, withdraw his Motion, and substitute the following:—"A Select Committee to inquire into the accommodation required for the collections of the British Museum."

Mr. COWPER remarked that, he thought that Amendment confined the inquiry within too narrow limits, as there were subjects beyond the accommodation required demanding inquiry. He would suggest that the Motion should be for an inquiry "into the means requisite for rendering the institution more effectual for its purposes."

Mr. DUFF said, he would recommend the addition of the words—"the establishment of lectures in connection with the Museum and the pay of the officials."

Mr. GREGORY said that, considering the difference of opinion which prevailed in the House, he would ask permission to withdraw his Motion with the view of bringing it forward the next day in an amended form.

Motion, by leave, *withdrawn.*

REGIMENTAL QUARTERMASTERS.

ADDRESS MOVED.

Sir ARTHUR ELTON rose to move that an humble Address be presented to Her Majesty, praying that she will be graciously pleased to give directions that the benefits conferred by the Royal Warrant of the 17th of December, 1855, upon Regimental Quartermasters retiring subsequent to the date of the declaration of the war with Russia may be extended to those Regimental Quartermasters who completed the period of service specified in the Warrant, but who had retired previous to that date. To make his case clear, he might state that the Royal Warrant of 1855 allowed quartermasters, who had completed the term of thirty years' service, ten of which were in the office of quartermaster, to retire with the honorary rank of captain upon the half-pay of 10*s.* a day. That order was retrospective as far back as the date of the commencement of the Russian war, and its main object was to procure the retirement of old and worn-out officers in order to make room for younger and more efficient men; but he trusted that a more extensive application would be given to it than seemed to be contemplated by its framers. The number of quartermasters who had retired previous to the declaration of the late war was only forty-three, and the addition of 2*s.* a day to their pay would not amount to more than £2,000 per annum. They were very far advanced in years; they were much shattered by long service; and they were not likely therefore to trouble the country long. A large proportion of them had not only performed efficiently the unassuming but important duties of quartermaster, but had displayed remarkable courage and heroism in various battles, sieges, and storms. He might state a few cases. Mr. Copeland, of the 3d Foot Guards, served forty-one years, fourteen as quartermaster; he went through the Peninsular campaigns, was at Waterloo, and obtained two medals and three clasps. Mr. M'Clellan, of the 10th Hussars, served thirty-seven years, twenty-seven as quartermaster; he was five times publicly thanked by generals on the field of battle for gallantry, and he was now sixty-nine years of age. Mr. James Scott, of the 9th Foot, served fifty-four years, thirty-three abroad, forty-four as quartermaster; he served in Holland and the Peninsula, had one medal and seven clasps, and was now seventy-nine years of age. Mr. Samuel Goddard, of the 14th Foot, served forty years, thirty as quartermaster; he led the forlorn hope at the siege of Bhurtpore, was at the battle of Waterloo, and was now sixty-five years of age. The Warrant issued under the auspices of the right hon. Gentleman the Member for Wilts (Mr. S. Herbert) in 1854 did not draw any arbitrary line, but included all, and he saw no reason why that of 1855 should not have done the same. It should be remembered that the excluded quartermasters obtained their commissions at a time when it was much more difficult than now for men in their position to raise themselves to a superior rank. They did not belong to the aristocracy, but to the middle class; they had no powerful friends at the Horse Guards; they had risen from the ranks by their own courage and devotion, and therefore he had peculiar pleasure in urging their claims upon the attention of the Government. Looking to the great age at which some of these gentlemen had arrived, the short time they were likely to enjoy the benefits of the extension, and the great encouragement which the act would give to all classes in the army, he hoped the Government would have no objection to consent to his Motion.

Motion made, and Question proposed—

"That this House will To-morrow resolve itself into Committee, to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions that the benefits conferred by the Royal Warrant of the 17th day of December, 1855, upon Regimental Quartermasters retiring subsequent to the date of the declaration of the War with Russia, may be extended to those Regimental Quartermasters who completed the period of service specified in the Warrant, but had retired previously to that date."

Mr. SPEAKER said, he wished to draw the hon Member's attention to the fact that as the Motion now stood there were two objections to it in point of order. Being an application for public money, it must be made in Committee of the whole House, and it could not be put without a day's notice. If the hon. Baronet would move "that this House will to-morrow resolve itself into a Select Committee to consider of an Address, &c." he would be perfectly in order.

SIR ARTHUR ELTON said, he would put the Motion in the amended form suggested by the right hon. Gentleman.

COLONEL NORTH seconded the Motion. He was sure that if the right hon. and gallant Gentleman the Minister for War found it consistent with his official position he would have the greatest pleasure in acceding to the Motion, for no man could have a better knowledge of the merits of these officers than he. He thought no class in the army better deserved the consideration of the Secretary at War. The Warrant of 1854 was to the effect that the rate of half-pay upon which quartermasters should retire should be in accordance with the services they had rendered to the public. It was general in its application—there was no line drawn. A clause in a subsequent Warrant, however, limited its application. Now, out of the 43 quartermasters mentioned there were 35 between the ages of 65 and 84. The aggregate services of three of those amounted to 124 years, and they had been excluded by eleven days only from participating in the benefits given by the warrant of 1854. Considering the valuable services these men had rendered it was to be regretted they should have been excluded by a subsequent Warrant from participating in the advantages of the Warrant of 1854.

GENERAL CODRINGTON said, he also should support the Motion. The officers in question had all risen from the ranks through a series of onerous and responsible positions; many of them counted twenty and thirty years' foreign service, and a great proportion of them war service. He hoped, therefore, that the Secretary for War would promise, if it were out of his power this year, to grant an extension of the Warrant next year.

GENERAL SIR W. F. WILLIAMS said, in the course of his experience he had known many of these non-commissioned officers who had arrived at the rank of quartermaster, and most of them had been engaged in war. At a dinner he attended at Ceylon special mention was made of Quartermaster Dunn, who, being present at the time, was referred to by his commanding officer in these terms—"If I ever wished a man in my regiment to show the rest how to leap a hedge, or how to clear the vineyard of an enemy, I would call for Quartermaster Dunn." With few exceptions he had found the quartermaster in every regiment the most distinguished soldier and a most worthy man. He trusted, therefore, the right hon. and gallant General would give them, if not now, at a future period, favourable consideration.

GENERAL PEEL said, if he were to follow the bent of his own inclination on the subject he should undoubtedly accede to the Motion of the hon. Baronet, and nothing could be more painful to him than to be obliged to oppose the wishes of those who had addressed the House, and still more of this very deserving body of officers. But it was his duty, occupying the responsible position of Minister for War, to point out the results that would follow from granting this Motion. All Warrants were prospective, and the present was perhaps the only instance of one being retrospective, but a special reason existed for such being the case. An application embodying the terms of the Warrant was made by quartermasters in the Crimea; it was forwarded by Lord Raglan, with a strong recommendation in its favour, and the Warrant was accordingly issued; but as it only came into operation a year after many quartermasters had retired — many of them from ill-health—it was thought advisable to make its operation commence from the beginning of the Crimean war. It was perfectly true that if the Motion were complied with it would involve an expenditure of £2,000 per annum only, and if that expense were the only obstacle it should not remain one. But it would not be a single instance. If Warrants in favour of quartermasters were made retrospective why should not those relating to every other branch of the service be made retrospective also? Increased retiring allowances had been granted in favour of paymasters, medical officers, and others whose predecessors had performed services in comparison to theirs equally entitled to retrospective consideration to those of quartermasters. The medical officers formed a very large body, and in their case it would be throwing a most serious extra expense on the public. The object of all retiring allowances was to benefit the public by inducing men who had served their time to retire and by encouraging a better class of men, if possible, to come into the service. As far as the public were concerned, therefore, the advantages of increased allowances were prospective and not retrospective. If the Motion was compiled with warrants relating to every other branch of the service must in common justice be made retrospective also; this result was clearly fatal to the Motion. Other grounds of objection however existed. An application in the terms of the Motion had been made to him in October last; he found the same application had been made to his predecessors on two previous occasions, and that after due consideration they had come to the conclusion that it was impossible to alter the practice according to which Warrants were made retrospective without inconvenience. Nothing could be more inconvenient than overruling previous decisions on such questions, as such a course would only encourage persons to renew their demands whenever a new man came into office. If it were the wish of the House to grant this money, though no provision was made in the Estimates for it, nothing would give him, individually, greater pleasure; but it was his duty to point out to the House what the effect would be, and to warn hon. Members that what they might think a small matter would lead to consequence which, possibly, they did not foresee. No Chancellor of the Exchequer in future would ever accede to a retiring allowances being increased if such Warrants were to be made retrospective, for there would be no means of ascertaining what would be the result. No Minister could frame his Estimates so as to meet such a requirement. But, to test the question in another way. Those who had retired, retired under the regulations of the service existing at the time, and he begged the House to consider that if it were proposed to reduce any class of retired allowances it would be impossible to apply the reduction to persons who had already retired under other conditions. He again expressed his great regret that it was not in his power to comply with the Motion.

Viscount PALMERSTON said, that there would be obvious inconvenience in establishing a precedent such as that proposed by the Motion, for if it should be thought right to increase the half-pay of certain officers in the army, and if the consequence were to be that the same increase must be extended to the whole half-pay list, no Government would probably like to propose to Parliament such an immense increase of expenditure. In the same way it might be thought right to increase prospectively the pensions to invalid officers for wounds or disabilities incurred in service; but if that increase were necessarily to be extended to the whole of the existing pensioners it would be impossible for any Government to agree to such an expenditure. Therefore, much as he regretted that these men to whom the hon. Mover had referred should not receive a benefit which had been given to others, though they themselves, indeed, had never been led to think they were entitled to it, still he must say that he concurred with the right hon. Gentleman in thinking it not advisable in this instance to depart from established practice.

Sir ARTHUR ELTON said, that in deference to the opinions expressed on both sides of the House, he would withdraw his Motion; but he hoped, as he could not get extra money for those whose cause he advocated, that the right hon. and gallant General would, at any rate, take into consideration the advisability of giving them extra rank, and would deem it expedient to recommend that they should have the honorary rank of captain granted to them.

Motion, by leave, *withdrawn.*

HOUSEHOLD INFANTRY.

COMMITTEE MOVED FOR.

Sir JOHN TRELAWNY, who was imperfectly heard, said he rose to move for a Select Committee to inquire into the nature and extent of certain privileges enjoyed by Her Majesty's Household Infantry, and mentioned in the Report of a Commission appointed on the 12th day of April, 1858, as "the Privileges of the Guards;" also, to inquire whether such privileges have a tendency to produce dissatisfaction or diminish the efficiency of the army. In bringing forward this Motion he thought it unnecessary to dwell at all on the reputation gained by the Guards, as that was a matter well established and generally known; and if it were urged that vested interests were involved in the question he had to submit to the House, he was of opinion that it would be proper in some way to save existing vested interests. He should make no statement not borne out either by the celebrated Memorial of the Guards or the Report of the Commission made last year. The memorial was signed by five great and illustrious names, but he thought at the time it should have been visited with severe censure, as a manifesto like that created a precedent which if followed by others would be found most inconvenient. The brigade of Guards consisted of 6,300 men. It was officered by three full colonels and by three lieutenant colonels, who according to the memorial were colonels in the army. Then there were the majors of the several battalions, who, according to the same memorial,—and he was not aware whether any change had been made since,—were full colonels in the army. All captains in the Guards were lieutenant colonels in the army by virtue of the Royal Warrant of 1687. These officers had very great advantages in the army, for it was in their power, after serving five years on the staff, to become full colonels in the army, whereas a lieutenant colonel or major of the Line could not be on the staff without having passed an examination at Sandhurst. The lieutenants of the Guards were equal to captains in the Line, an honour which was accorded to them for their conduct at Waterloo, but he must say he thought it a very impolitic way of rewarding the army. The 7th Fusiliers had a similar honour accorded to them, namely, that the first appointment should be a lieutenancy, but it was discovered afterwards to be undesirable, and was taken away. What was good for the 7th Fusiliers might not be bad for the Guards. In consequence of this system an old and experienced officer of the Line might find himself placed under the authority of a young officer of the Guards, and he thought it was desirable that this distinction should be abolished—the officers of the Guards being compensated in some manner for the loss of the privilege. He believed it was impossible that there could be a finer body of troops than the brigade of Guards; but it was possible to buy gold too dearly, and when it was considered that the services of the Guards were not available in the Colonies, or generally against Her Majesty's enemies in India, or elsewhere, he doubted whether, on the whole, the country was not paying too dearly for this branch of the army. The Guards consisted of 261 officers, 429 sergeants, and 5,600 rank and file—in all 6,300. The Guards cost £204,706, and the Line £1,872,567; but if the Line troops cost the same as the Guards the charge for them would be £2,289,620. There were also a number of allowances to the Guards, such as making up accounts, £140; agent of Foot Guards, £83; stock purse fund, £11,167; major's allowance for coals and candles, £344; solicitors to Foot Guards, £205 6*s.* 3*d.*; table allowances, £5004; making a total of £16,943. He had heard it said that the officers of the Guards enjoyed an annual amount of leave, and that the bulk of the regimental duty was performed by the colonels, the adjutants, and the non-commissioned officers. On what ground was it that the officers of the Guards were allowed greater privileges in this respect than were enjoyed by officers of the Line? He had also been informed that, while the Line regiments had been reduced after the war, the Guards were numerically stronger than they were before the war, and he wished to know whether this statement was well founded? There were other peculiar privileges which were possessed by the Guards. He understood that the two senior captain lieutenant colonels of the Guards arrived at the grade of colonels in five years; and he thought if that were so the privilege was one that ought not to be continued. Now, what was the relative position of officers of the Guards and the Line on active service? A captain in the Line who had the brevet rank of major commanded his company, and went into action as its captain; but the captains of the Guards, although they went into action as captains, being on the roster as lieutenant colonels, were exempted from duty in the trenches. He thought this was a very objectionable privilege, for the presence and influence of the captains might have a most beneficial effect upon the conduct of their men in the trenches. He had been told that in the Crimea the captains of the Guards, being upon the roster as lieutenant colonels, went into the trenches only once a fortnight. General Canrobert took one night in the trenches and the next in reserve, and Sir Colin Campbell set a good example to his troops, by following the French system, and going regularly into the trenches; but it was said that in a short time an order was issued that generals of division should not do duty in the trenches. Another inconvenience was felt in the Crimea from these privileges. On one occasion two companies were wanted for detachment duty at head-quarters, and they were both taken from the Highland Brigade. It was said that they should be taken alternately from that Brigade and from the Guards, but it was understood that it was not the custom of the Guards to give detachments. With regard to promotion it seemed to him, as far as he understood the statements made to him, that the Major Generals, Colonels, and Lieutenant Colonels in the Guards arrived at their degrees much sooner than the same officers in the Line. It might be said that these were particular cases and the effect of old privileges which were now altered; but, then, he found that a large proportion of the full colonels of Line regiments were officers in the Guards. With regard to the Staff, he found thirty officers on the Staff who had been in the Guards, and that was a great disproportion, when it was remembered that the Guards numbered 6,300, and the Line 78,594. With regard to courts-martial he thought it very disadvantageous that a young officer, because he was in the Guards, should be President, by precedence over older Line officers. It was made the same as if a student of law were to take precedence of a Judge. He also thought that new appointments should be made by the responsible Minister of State, instead of by the colonels of regiments, although it might be said that the responsibility was accepted formally by the Minister. He would not trouble the House with documents, but there were many which he could submit in detail to a Committee.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the nature and extent of certain privileges enjoyed by Her Majesty's Household Infantry, and mentioned in the Report of a Commission appointed on the 12th day of April, 1858, as 'the Privileges of the Guards;' also, to inquire whether such privileges have a tendency to produce dissatisfaction or diminish the efficiency of the Army."

GENERAL PEEL said, he would take that opportunity of thanking the hon. Baronet for his courtesy in postponing his Motion the other evening, in order to give him an opportunity of being present; as, from the position in which he stood to the army, he should have been very sorry to be absent when this discussion took place. The hon. Baronet, when the Estimate was before them expressed alarm lest his Motion should be put a stop to on the ground of prerogative. The House must see that if this Committee were granted it would be, not a Committee to inquire into the privileges of the Guards, but into the prerogative of the Crown, from whence, as the fountain of honour, all these appointments proceeded. He thought that the hon. Baronet would, at all events, be obliged to alter the Motion, so that it might be for an Address to the Crown instead of for a Committee of the House. Her Majesty

had on so many occasions instituted inquiries into the condition and the privileges of the army, that he certainly would not take any technical objection in reference to the prerogative so as to get rid of the hon. Baronet's Motion. If the hon. Baronet had not slightly referred to some inquiries which had taken place he should have thought that he was entirely ignorant of the fact that during the last few years there had been no less than four Royal Commissions, in addition to a Committee of the House, which had investigated this subject most thoroughly. He would add that the constitution of those Commissions was by no means favourable to the Guards. The Commission which sat in 1854 consisted of the Commander in Chief, two Line officers, one Artillery officer, one Engineer officer, one Guards officer, and five civilians. The Royal Commission of 1858 consisted of the Commander-in-Chief, three officers of the Line, one of Artillery, one of Engineers, one of the Guards, and five civilians. But the inquiry of all others to which he wished to call attention was the Committee of the House of Commons. He wished particularly to call their attention to the constitution of the Committee—it was the Committee which sat on the Ordnance and Army Expenditure, and reported in 1857. Lord Seymour, the Secretary at War, Mr. Hume, Mr. Cobden, Colonel Anson, Mr. Walter, Sir William Molesworth, Lord Charles Wellesley, Sir James Graham, Mr. Sidney Herbert, and Mr. Banks were among the members of that Committee; and in all there were thirteen civilians and two military officers. With all deference to the hon. Baronet he thought that the House would place greater reliance on the arithmetic of a Committee of which Mr. Hume and Mr. Cobden were members than on that of the hon. Baronet. The question of the expenditure of the Foot Guards came before the Committee incidentally; and in their Report they stated that

"Your Committee were informed that officers of the Foot Guards had some advantages over the infantry of the Line, and that this inequality occasioned dissatisfaction in the army, while it was also attended with increased expense. The Foot Guards are a force constantly ready for any emergency, and have always, when occasion required, been the first to be sent at short notice on foreign service. They have always been peculiarly regarded as the force whose duty it is to attend the Sovereign. They have exclusive privileges, most of which are of ancient date; but it has been stated in evidence before us that exchanges between the Guards and the Line are not unfrequent, and the advantages, to some extent, are available to the Line. As to the question of expense, the Line officers have allowances for barracks, &c., which are withheld from officers of the Guards. If, in estimating the expense of a regiment of Guards, including officers and men, these allowances are taken into consideration, it will be seen by a Return in the Appendix that the cost is £48 11*s.* 3*d.* per man in the Guards against £46 19*s.* 6*d.* per man in the Line. The excess of expense is £1 11*s.* 9*d.* or about 1*d.* per day, being the present amount of extra pay which a soldier in the Guards receives more than a soldier in the Line."

That was the statement in the Report of the best qualified men who composed the Committee; and that opinion was not hastily arrived at, for there were no less than 500 questions put by the Committee on the very point to which the hon. Baronet had referred, and it was impossible that any Committee could have gone more fully into detail. The hon. Baronet seemed to think that the duties of the Guards might be performed by regiments of the Line; but he (General Peel) did not think there could be a greater mistake than that; it was impossible that those duties could be properly performed unless they had regiments accustomed to remain constantly in London. The hon. Baronet asked for a Committee to inquire into the privileges of the Guards, which, he supposed, gave rise to great jealousy; and he stated what those privileges were, and when they were granted; but he forgot to say that when the privilege of captains ranking as lieutenant-colonels was granted, which was in 1687, there were very few regiments of the Line in existence,and surely they could have no just ground to complain of that which existed before they were constituted. But the hon. Baronet was quite mistaken as to what the present privileges of the Guards were. The privileges of the captain and lieutenant colonels of the Guards had been altered by the Warrant of 1854. Previous to that period an officer of the Guards who obtained a company became lieutenant colonel, and went on obtaining rank as colonel. But now matters were very different. The rank of lieutenant colonel did not commence counting towards a colonelcy until the officer became a mounted officer in the Guards. It took, on an average, eight years to become a mounted officer in the Guards, and then he was only in the same position as a lieutenant colonel in the Line, who served no more that five years to attain the rank of colonel. Thus, in the case of a lieutenant-colonel in the Guards, it required thirteen years to obtain the promotion of colonel, whereas in the line it required only five years. The benefit to the officers in the Guards was, that when he became a captain and lieutenant colonel he might possibly, by exchanging with an officer in the Line, become the commander of a regiment, and in five years a colonel. But this exchange would not be altogether a voluntary arrangement between the two officers. It could not take place without the approval of the commanding officer of the regiment, and the sanction of the Commander-in-Chief; and he believed he knew enough of the determination of the Commander-in-Chief to maintain discipline to enable him to say that his Royal Highness would not allow a man to take the command of a regiment whom he did not think to be perfectly deserving of it. The Duke of Wellington was always in favour of these exchanges, upon the principle that, if any peculiar advantages were possessed by the Guards, they should be thrown open for exchange to the Line, and in but few instances did he ever object to such exchanges. The hon. Baronet seemed to be of opinion that great jealousy existed in the Line in consequence of the supposed privileges of the Guards. That he (General Peel) thought was somewhat of an exaggeration; for he did not think that more jealousy existed in the Line with reference to the Guards than might be supposed to exist on the part of an ensign towards a lieutenant, a lieutenant towards a captain, a captain towards a major, and so on. Jealousy might equally exist between two regiments of the Line where, from peculiar circumstances, the promotions in one had been more rapid than in the other. It was all a matter of chance. But upon this point he himself might bear evidence, having served for nine years in the Line and three years in the Guards. He first served six years in the Line before entering the Guards, in which he never obtained the slightest promotion. He then returned to the Line, where he obtained promotion much quicker than if he had remained in the Guards, and became senior to officers in the Guards under whom he had previously served; but he was not aware of the slightest jealousy in consequence. He served in the Rifle Brigade, and in the 71st Foot, and they always felt themselves the equals of the Guards, of whom they never entertained the slightest jealousy. He would not follow the hon. Baronet into those minor details, which many officers of the Guards understood much better; but he was totally mistaken in supposing that the captain and lieutenant colonel in the Guards had any advantage which the captain and brevet major in the line did not possess. Quite the contrary. When they were doing regimental duty they did it as captains; but when they were doing duty elsewhere they did it according to their brevet rank. The hon. Baronet was also mistaken in supposing that an officer, when first commissioned in the Guards, was appointed direct without examination. So far from that he went through precisely the same examination as in any other regiment, and he did not believe that an officer would be allowed to enter the Guards until he had passed an examination and received a certificate. There were other hon. Members in the House who could explain better than he the details of the joint-stock purse and so on; but if the hon. Baronet wished to make a Motion respecting the Guards he could not obtain further information than was already before the House in the Reports of the four Commissions and the Committee referred to. It would therefore be his (General Peel's) duty, on the part of the Government, to oppose the Motion of the hon. Baronet for the appointment of a Select Committee, on the ground that such Committee was perfectly uncalled for, that every information the House could require was before it, and that the privileges of the Guards had been possessed by them for such a number of years that it would be impossible now to take them away.

VISCOUNT BURY said, he hoped his hon. Friend would not press his Motion to a division after the lucid statement of the right hon. and gallant General; but, if he did, he (Viscount Bury) having served in the distinguished rank of Ensign and Lieutenant in the Guards for a short period should feel sufficient *esprit de corps* to say something on their behalf. He quitted the service before the Warrant of 1854 was in force; and therefore never had been affected by it. He was consequently an impartial witness. He remembered the time when every newspaper was filled with paragraphs headed, "The Guards and the Line," the object of which was to sow dissension between those portions of the service; but he believed that the old feeling of dissension between the Guards and the Line had long since subsided, and surely when the soil of the Crimea was red with the blood of gallant men in both divisions of the service, who fell fighting side by side in the trenches, the feeling of fraternity then exhibited between brothers in arms must have done much to obliterate all remains of ancient animosities. His hon. Friend had said he wished to do away with the privileges of the Guards. But he had not throughout his whole speech told the House what those privileges were. All he had said might be styled the mere utterance of truisms about the position of the Guards, but he had not mentioned any instance in which that position pressed heavily upon the Line. His hon. Friend said he did not wish to take away his personal privileges from any member of the Guards; he would allow him to retain them, or he would offer him a pecuniary compensation in their stead. But suppose, for instance, a senior ensign and lieutenant were to accept the pecuniary compensation offered by his hon. Friend, and an officer junior to him were to prefer retaining his nominal lieutenancy, which would be the senior officer. The senior who had sold his lieutenancy, or the junior who retained it? The duty roster would be plunged into confusion. There was another point. His hon. Friend said that a distinguished officer of the Guards, and a relative of his own (Viscount Bury) had written a memorial on this subject, and that he ought to have been severely censured for committing a breach of discipline in doing so. But he begged to remind his hon. Friend that the warrant which that memorial complained of inflicted on his gallant relative and others severe pecuniary loss, and it was not to be supposed, in this great commercial country, that a man was to submit to a loss of that kind without his doing his best to complain of such a loss. This was almost the only matter touched upon in that memorial. Then his hon. Friend said that no officer of the Line could become a member of the Staff unless he went upon the half-pay list, and that this was not the case with the Guards; but he (Viscount Bury) ventured to say, that unless an officer were in command of a regiment, it was not necessary for him to go upon the half-pay list before entering on the Staff. Then, with regard to expense, he (Viscount Bury) could only say, that his commission in the Guards had cost him £1,200, whilst in the Line it cost only £450, and though he received the honorary rank of Lieutenant, he only had the pay of an Ensign. Complaint had been made, also, of the way in which the officers of the Guards did their duty, and of the way in which business was distributed in the Crimean war; but this was a complaint on a matter of military discipline and detail. After all the brilliant services of the Guards and their notoriously high state of efficiency, he (Viscount Bury) thought it quite unnecessary for him to dwell for a moment on that point. No part of the hon. Baronet's speech referred to any privilege which weighed upon the Line and exonerated the Guards unduly; and if the privilege possessed by the Guards did not press upon the Line, he was sure no regiment would grudge the Guards such a privilege. Then, cases of general officers were brought forward; but it must be remembered that no man could be a general officer in the Guards without having served for a much longer time than the Warrant of 1854 had been in force. Those cases must, therefore, have been under the old system, to which the regulations introduced by the present Warrant did not apply. He thought the House would agree with the right hon. and gallant Secretary for War that the Motion of the hon. Baronet was inadmissible, and that the majority would concur with him in dividing against it.

Colonel NORTH said, that as an officer who had served the whole of his time in the Line, he hesitated not to declare that there had never been the slightest jealousy or ill-feeling between the Guards and the Line. As regarded the letters that were written on the subject, it was a universal opinion in the army that they were not written by soldiers, but by mischievous persons who wished to create a bad feeling between the Guards and the Line. Why should there be any ill-feeling? The Returns which he then held in his hand showed that in the regiment of Coldstream Guards, out of twenty captains, not less than sixteen began their service in the Line, and were then transferred to the Guards; that in the Grenadier Guards thirty-nine were in similar circumstances; and in the Scots Fusilier Guards the same number. There was no reason at all why officers of the Line should not at their pleasure and with the sanction of the commanders of their regiments, be transferred to the Guards. With regard to first appointments, there were very few fathers who, unless they resided in London, and had an opportunity of looking after their sons, would wish to place them in the outset of life in a position which was exposed to all the dangers and temptations of the metropolis. In the next place, officers in the Guards must either be members of the aristocracy, of rank, or of wealth, because, of all regiments, they were the worst paid. An ensign in the Line was found barracks, coals, and candles, and the cost of his servants was much less than in the Guards. It should also be borne in mind what an enormous expense the Guards were put to for the purchase of their commissions. An ensign in the Guards paid £1,200 for his commission; an ensign in the Line, £450. The ensign in the Guards got 5*s*. 6*d*. a day, and no allowances, unless he was in barracks in the provinces. The ensign in the Line received 5*s*. 3*d*., and the allowances he had enumerated. A lieutenant in the Guards paid £2,050 for his commission; a lieutenant in the Line, £700. The lieutenants in the Line got 6*s*. 6*d*., and their allowances; the lieutenant in the Guards, 7*s*. 4*d*., and no allowances. A captain in the Guards paid £4,000 for his commission; a captain in the line £1,800. A major in the Guards paid £8,300; a major in the line £3,200. A lieutenant colonel in the Guards paid £9,000; a lieutenant colonel in the line, £4,500. As long as the sale of commissions existed it was only just that those who paid these high rates should receive more remuneration than those who paid a smaller sum. True, the hon. Baronet had proposed his Motion with very great good temper. Nevertheless, he had fallen into the commission of those blunders which must be expected from civilians when they took upon themselves to meddle with military matters. The hon. Baronet said that for a junior officer to find fault with his senior was a case of insubordination, the fact being that the rules of the service afforded him the amplest opportunity for so doing. At all half-yearly inspections the General commanding called on even the drummer or the private soldier to come forward if they had any complaint to make against their superior officers; and, if an officer chose to draw up a written statement, against his superior officer he might insist that it should be transmitted through the commanding officer of the regiment to head-quarters. With regard to the table allowance, which was put down as a privilege of the Guards, he believed that, so far from being a "privilege" of the Guards, they had had a more frequent use of the table only because they did most duty in London; for, two years ago, when the 66th Regiment were doing duty at St. James's Palace, the table was found for them as well as the Guards.

The fact was that the dinner was provided not exclusively for the Guards, *quâ* Guards, but for the men who happened to be on duty at the Palace. As to staff appointments the rule was that no regimental field officer was allowed to hold permanent appointments. Those officers in the Guards who were lieutenant colonels were merely regimental captains, the same as the regimental captains in the Line. The hon. Baronet seemed to think that officers in the Guards had a privilege in taking their seats at courts-martial; whereas the fact was that at those courts-martial the officers took their places in conformity with the dates of their commission; and if a captain in the line were there who was a brevet lieutenant colonel, he would take his seat according to the date of his brevet. All he (Colonel North) could say then was, that during the number of years he had served in the army he had never known the slightest jealousy or ill-feeling to exist between the Line and the Guards. He did not mean to say that when he found himself in stupid quarters in the country he did not wish himself in London. That was another affair. But the only rivalry which prevailed between the Line and the Guards was that which he hoped would always continue, and that was which should best do their duty to their Queen and country. Did not the Guards do their duty at Alma and at Inkerman? The hon. Baronet stated they never took colonial duty. Did not they go to Canada? Were they not ready to go wherever they were ordered? In fact, whatever duty the Guards had been called upon to perform, they had discharged it in a manner that reflected the highest honour upon them, and which had gained for them the admiration of their brethren of the Line; and he trusted that so long as this country had a Sovereign, so long would there be Guards, and he only hoped they might ever be composed of as loyal and gallant a body of men as were now to be found in the Brigade of Guards.

Sir HARRY VERNEY said, he had served both in the Line and in the Guards, and he had never heard at the mess of any regiment of the Line in which he had served any feeling of jealousy expressed with respect to what were called the "privileges of the Guards." On the contrary, he believed it was a subject for pride and satisfaction common to both, and he thought it attended by political advantage that our military system was one which induced men of high rank and possessing great wealth to enter the army. He considered it very advantageous that men who possessed fortunes of, from £20,000 to £50,000 a year, and such instances had occurred, were attracted to the service; for what feeling in the world could prompt them in identifying themselves with it, but that of honour and the wish to serve their country? He knew it was so considered by the officers of the army themselves, and especially, that these men, when they were in the Guards, were ready to go on active service to all parts of the world. They had gone to Canada, to Portugal, to the Crimea, and he believed it was pretty well understood that they desired to go to India. Again, he thought the duties performed by the Guards could not be so satisfactorily discharged by the Line, the soldiers of which, from the tendency they showed to get into "scrapes" when brought to London, were unfitted for the service devolving on the Guards. He hoped, therefore, the hon. Baronet would not press his Motion to a division, for the result would be to show there was a division among the Members of that House on a subject on which he (Sir Harry Verney) was sure there was none in the army.

General CODRINGTON said, that he was afraid the hon. Baronet would not consider his opinion an unprejudiced one, as he had spent a great part of his life in the Guards; but he could assure him that the most important part of it—that spent in active service—was in the Line. He must say that he never found any of that jealousy to which the hon. Baronet had referred, nor was it to be expected he should—for the Guards took their turn of duty in the trenches at Sebastopol quite as readily as the troops of the Line. The hon. Baronet had talked of the Report of the Commission of 1858, as if it had mentioned in a prominent way the privileges of the Guards; but, on reference to the document, he found that was not the case. The only expression in that report which at all warranted the use of those words had reference to the rank of the Guards. The point which the hon. Baronet really had in view, if he might take the various letters published with his name attached, was, whether there were to be any Guards at all—and certainly, if they were to bring the regiments successively to London, and make the Guards perform the duty now done by the Line, of course there would be no Guards at all. But he certainly felt that, if the regiments of the

Line coming from abroad must necessarily take their turn of duty in the Metropolis, they would be in a very great mess. It would never do to have fresh recruited regiments of young soldiers without non-commissioned officers spread over the face of London. Not only that, but there was the expense to the officers to be taken into account, and if they brought young regiments of the Line to London, they would give to each regiment of 1,000 men no less than £1,800 a year over and above the allowances now given to the Guards. There was also another point of considerable importance. It was of great moment that officers, non-commissioned officers, and men should be able to do their duty in London with forbearance and good temper, and he thought in more than one instance had been shown the great advantage of the complete temper of the Life Guards and Foot Guards in keeping the ground on public occasions. But there was a question of still greater importance. It had been felt to be of the utmost consequence by our most distinguished Commanders in Chief, such as the Duke of Wellington and Lord Hill, to have battalions in London that could form a nucleus for foreign service whenever an army was to be sent abroad, and hitherto, whenever that service had been performed, the very first troops they laid their hands upon, as being effective in all respects, were the battalions of the Guards. The hon. Baronet had referred to service in the Colonies, but Colonel Dunne, who had been examined before the Committee upon the subject, expressed his opinion positively that he did not wish, and the Line did not wish, to see the Guards taking Colonial duty. Financial economists had made charges against the colonels of regiments with respect to the sums received for clothing. They had even called them cabbaging colonels, and by the agitation that they had got up on the subject, the system was at length put an end to. What was the end of it? They had had the defalcations at Weedon, and the country had been put to an extra expense of £100,000 a year; therefore, it did not follow that matters were not better managed when they were left to the regimental officers. Then, with regard to the question of leave: by the Queen's regulations one half of the officers of a regiment could be absent during the six winter months, in regiments of Line as well as Guards. There was no difference in respect to payment between the Guards and the regiments of the Line. The men were paid daily. That was the system in the army generally, and it was carried out in the Guards also. As to the relative rank of the Guards, the system had been established as to the lieutenant colonels and captains, as long ago as the reign of James II., in the year 1687; but it was not only in the Guards that such disparity of rank existed, nor was it confined to times of peace. He himself knew an officer who was out in the Crimea, who was of only eight years' standing in the army, and, as a brevet major, went into the trenches and commanded captains of sixteen and eighteen years' service. If search were made in the Army List, instances would be found of colonels of very few years' service commanding majors of twenty-five and thirty years' service, and captains of sixteen and seventeen years' service. With regard to the statement that Sir Colin Campbell went into the trenches with his division, other Generals did the same duty; but as the whole division was not necessarily sent complete to the trenches, it was arranged, as far as his recollection served, that they should attend to their duties of division in camp, when the division was not sent entire to the trenches. If there was any information that he could give upon the subject he would be most happy to do so, and he must say that the hon. Baronet had brought forward the question in his usual fair way.

GENERAL SIR W. F. WILLIAMS said, that as an officer of the Line and an officer of the Guards had been listened to, perhaps they would listen to an officer of the Artillery. The hon. Baronet had made a sidelong hit at the very existence of Guards on a former occasion. He had said, "If there are to be Guards at all, why not select from the other regiments as well?" He should be very sorry indeed to see the Guards given up as a separate corps, or that they should be selected from the other regiments. He was sure that such a plan would cause great heartburning and raise feelings that were not consonant to the feelings of a British officer. As to jealousy felt by other branches of the service against the Guards, in his branch there were 20,000 men in its ranks; he himself had served in all parts of the world, and had in the course of his career been acquainted with many regiments of the Line, but he had never heard any expressions of jealousy on the part of the Line or the Artillery, or expressions in any way derogatory of the Guards. In his position, as commandant of a large garrison at Woolwich, he must have heard them if they had been used, but he never had heard them, and he did not believe any such jealousy existed. As a general officer he did not think that any corps could either in the event of social evils, or of invasion, do service in London in case of need so efficiently as the Guards. Men would be wanted who were perfectly conversant with London, and who would know their best way to any particular point to which they were ordered. Then, as to the system of purchase, he was most strongly in its favour, and he hoped that no Chancellor of the Exchequer would advance the public money to promote the abolition of the system. If purchases had taken place, they were purchases over the Artillery, sometimes in favour of the Guardsman, and at other times of the Linesman; but still he was in favour of a system which did much to give the country a constant supply of young officers. He had seen a Line regiment changed three times, while in the Artillery they were promoted to the rank of second captains at the age of forty. He sincerely hoped that the House would by a decided majority negative the Motion of the hon. Baronet.

Mr. CONINGHAM said, he had not had the good fortune to be present at the early part of this discussion, but he concurred in what he knew were the general views of his hon. Friend the Member for Tavistock (Sir J. Trelawny). The real question at issue was this, whether it was for the advantage of the army or the country that the privileges of the Guards should be maintained? If the duties of the Guards were confined to London or to attendance upon the Sovereign the matter would be of little consequence, but as every one knew that the Guards were among the most distinguished regiments in the service, as their boast was, that wherever there was war they were present, it was clear that their position must be viewed as a military one. [*Laughter*]. He meant that they must be regarded as troops serving in the field and not as Household troops. Their privileges were so great and so indefensible that he confessed he was at a loss to understand what arguments could be brought in their defence. Look at the army in the Crimea. There they found that the predominance of the chief commands was given to Guardsmen; and then look at their duties, at their position on the staff, at the favouritism shown in placing them on the staff. He had some acquaintance with military men, and he must say his experience differed from that of the gallant General who had just spoken. He believed there was great jealousy of the privileges enjoyed by that corps. He had unfortunately not heard the debate in its earlier stages in consequence of his having come down to the House at a somewhat later hour than usual, and he did not, therefore, think he should pursue the discussion with advantage. [*Ironical Cheers.*] He would, however, give those hon. Gentlemen who were so ready to indulge in exclamations due warning that, although he might be foiled on the present occasion, he would come back to the charge and renew his onslaught on privileges, the existence of which he believed to be detrimental to the best interests of the army. [*Cries of* "Oh, oh!"] Yes, he was prepared to maintain that if the subject were fully investigated before a Committee of that House it would be found that they were privileges which could not be defended by logical argument. He should seize that opportunity to conclude his speech, by stating that he would give his most energetic support to the hon. Baronet the Member for Tavistock, and by expressing to him his thanks for having brought forward his Motion.

Sir JOHN TRELAWNY said, that he must reiterate his opinion that the Guards possessed considerable privileges and the two principal he might name as exemption from colonial duty, and superior pay. It had been said that the expenses of the Guards were not materially greater than those of regiments of the Line; but he had heard, on good authority, that two regiments of the Guards had been offered to the Indian Government, who declined the offer on the ground of the cost which its acceptance would involve; and also that if the whole of the service were paid on the standard of the Guards, the increased expense would be not less than £500,000.

Question put

The House *divided*:—Ayes 31; Noes 135; Majority 104.

PARLIAMENTARY VOTERS (IRELAND).

LEAVE.

Mr. BRADY said, he rose to move for leave to bring in a Bill to amend the laws which regulated the qualification and registration of Parliamentary voters in Ireland, 13 & 14 *Vict.*, c. 68-69, s. 27. He would beg the House to remember the fact that the electors were obliged to give notice on the 20th July; and then the 27th clause provided that the clerks of the peace, having received the notices of objections to voters up to the 20th August, were by the following section authorized and commanded, not only to regulate the list according to the baronies, but they were to have a list printed and published in every district in the county on the 22nd of the same month, thus giving each clerk only one clear day for all that duty to be performed. Now, it had been found that such a short time worked with great inconvenience, and greatly to the injury of the counties. His object was to repeal the 27th clause, and to extend the time from the 22nd to the 30th of August in the same year.

Mr. SOTHERON ESTCOURT said, the hon. Gentleman had taken him rather by surprise. That being St. Patrick's night, he should not have expected that any Irish Gentleman would propose to introduce a Bill which, on the face of the notice, appeared to portend something like a Reform Bill for Ireland. Presuming that the Bill was of more serious importance than from the explanation of the hon. Gentleman it seemed to be, he had expected that the hon. Gentleman would have made an arrangement with a Gentleman who was not then present, and who knew more about the subject than he (Mr. Sotheron Estcourt) did, as to the time for submitting this Motion to the House. [Mr. Brady: I did arrange with the noble Secretary for Ireland.] He confessed he did not understand either the defects which existed or the proposed mode of remedying them, notwithstanding the pains which the hon. Gentleman had taken to explain both the one and the other. However, when he saw the Bill in print he should, no doubt, be better able to understand it. If it was true that proper time was not allowed by the law for the publication of the objections to voters, the time ought, no doubt, to be enlarged, and, on the understanding that that was merely the object of the Bill, he, on the part of the Government, had no objection to offer to its introduction.

Leave given.

Bill to amend the Laws which regulate the qualification and registration of Parliamentary Voters in Ireland, *ordered* to be brought in by Mr. Brady and Major Ormsby Gore.

ADMIRALTY COURT.—LEAVE.

Mr. HADFIELD said, he had to move for leave to introduce a Bill to enable serjeants, barristers-at-law, attorneys, and solicitors to practise in the Court of Admiralty. Three years ago the House decided that compensation should be given to the proctors for opening up this Court to all legal practitioners. That was submitted to, but the clause was struck out in another place. The proctors had received £72,000 as compensation, and still they clung to this Court, although they had been allowed to practise at common law. He would reserve further remarks for the second reading of the Bill.

The ATTORNEY GENERAL said, he was far from disagreeing in any respect with the remarks of the hon. Gentleman who proposed to bring in this Bill. The time had arrived when it became the imperative duty of the Government to consider this question, and he thought the Court ought to be open to all practitioners. He was surprised to hear it hinted that it was not the intention of the Government to take any step in the matter, because he knew it was their intention to bring in a Bill tending to accomplish all the objects mentioned by the hon. Gentleman, and to make other arrangements to which this Bill did not refer. If the hon. Gentleman still desired to bring in his Bill, there would be no objection to his doing so; but he thought it would be better to leave the matter in the hands of the Government, as certain provisions which were indispensably necessary could be better originated by the Crown than by any independent Member.

Sir RICHARD BETHELL said, that if the Government Bill should be laid upon the table of the House, it would unquestionably be the desire of the promoters of this Bill to postpone it. Still it was desirable that this Bill should be brought in.

Mr. HADFIELD said, he was glad to hear that Government intended to legislate on this subject, but at the same time he was of opinion that advantages would be derived from having the Bill printed and circulated among hon. Members.

Leave given.

Bill to enable Serjeants, Barristers at Law, Attorneys, and Solicitors, to practise in the High Court of Admiralty, *ordered* to be brought in by Mr. Hadfield and Sir Richard Bethell.

CHARITABLE USES.—LEAVE.

Mr. HADFIELD said, he had then to move for leave to bring in a Bill to amend the law relating to the conveyance of lands for Charitable Uses. This was a subject which had often been before the House, and the principle of the Bill had been sanctioned so frequently that it was wonderful it had not become law. The last Bill, like the present one, passed two years ago, was allowed to lie on the table of the other House unnoticed, but he hoped this Bill would meet with a different fate.

THE ATTORNEY GENERAL said, that until the Bill was printed it would be mpossible for the Government to know what it proposed to do. The hon. Member had not explained his measure. The law respecting lands in mortmain and for charitable uses was very important, and the Bill would require great consideration. It was not the desire of the Government, however, to throw any impediment in the way of the Bill being laid upon the table.

Leave given.

Bill to amend the Law relating to the Conveyance of Lands for Charitable Uses, *ordered* to be brought in by Mr. HADFIELD, Mr. MALINS, and Mr. ATHERTON.

FIRE INSURANCES.

LEAVE.

MR. H. B. SHERIDAN, in moving for leave to introduce a Bill to reduce the duty upon Fire Insurances, said, that an increasing agitation was going on out of doors for the total abolition of the tax on fire insurances. An association had been formed to effect that object, which was supported by the noble Lord the Secretary of State for India, and many other hon. Members of that House, but the more moderate proposal contained in this Bill, if conceded by the Government and the House, would, he thought, be sufficient to satisfy the public mind on this subject. His measure was not of a sweeping character, and would not interfere to any appreciable extent with the existing revenue. He sought to reduce the duty of 3*s.* per cent now charged on all fire insurances, the premium payable upon which did not amount to 5*s.* per cent. The reduction would apply to all that class of insurances popularly termed prudential insurances, and which included houses, household furniture, jewellery, musical instruments, &c. Half of the insurances effected in this country were effected at a rate of premium higher than 5*s.* per cent, so that this Bill would deal only with one-third, or at most with one-half, of the present receipts from the tax. The total amount of revenue derived from the duty on fire insurances, exceeded £1,300,000 per annum, the moiety of this, obtained from insurances on houses and household furniture, being £650,000. He proposed to reduce the duty from 3*s.* to 1*s.* per cent on the latter class of insurances, the apparent effect of which would be to diminish the revenue by the sum of £433,000. He said the apparent effect, because he believed the extent to which the public Exchequer would be endangered by his proposal would be considerably less than the sum he had named. Indeed, there was good reason for supposing that the temporary deficiency which the Bill would create in the revenue would be speedily supplied by the increased business which the partial remission of the tax would bring to the insurance office. In 1835 the amount of property insured had been £500,000,000, and in 1855 it stood at £800,000,000. The house would see that was not an increase commensurate with the growth of the national prosperity within the same period of twenty years. Taking an intermediate date, 1846, the property then insured was only £700,000,000, and the revenue to the country derived from it was only £1,062,000, whereas, had the fire insurances gone on increasing at the same ratio as the national prosperity, the Exchequer might have derived from those insurances no less than £13,000,000. Now, in 1859, the total amount of property in the kingdom was valued at £4,000,000,000 one-half at least of which was insurable, and would, if insured, yield the country £3,000,000 of revenue. The reason why that was not the case was that the increase of the amount of property insured had not been at all in proportion to the increase of our national wealth. In 1851 it was calculated that the value of insurable property was £2,000,000,000. The amount actually insured, however, was only £900,000,000. The smallness of this proportion was occasioned by the pressure of this tax. In France, on the other hand, the amount of property insured was £1,800,000,000. The proportion of insured property, therefore, was much less in England than in France, notwithstanding that the practice of insuring against fire had been carried on in this country 180 years, while in France it had only existed thirty-eight years, the cause of the difference being partly the lower rate of duty and partly the provision of the civil code, which makes the person in whose house the fire breaks out liable for the injury which it may occasion to the property of his neighbours. There was another reason in the requirement imposed upon all railway companies to insure the property throughout the whole length of the line, and these heavy insurances they were enabled to effect in consequence of the low rate charged. In Russia there was a duty which was a little worse than our own; and it acted as a virtual prohibition. There was no doubt then that if the alteration which he proposed was agreed to the amount of insurances in this country would be largely increased by the very general introduction of the French system. In Continental countries the increase in fire insurances was about 8 per cent; in England it was about 10. Mr. Coode had shown, however, that wherever the duty had been increased fire insurances had decreased. Petitions had been presented for the total repeal of the duty from all parts of the country, signed by merchants, bankers, traders, and others. There was, in fact, a strong feeling in the country against the tax, and therefore he hoped the House would give him leave to introduce a Bill to reduce it from 3*s*. to 1*s*.

MR. NICOL seconded the Motion.

SIR STAFFORD NORTHCOTE said, that the hon. Gentleman professed to ground his arguments upon the assumption, that the reduction in the duty could not materially affect the revenue. This, however, was an assertion easy enough to make, but not so easy to prove. The revenue from this source had greatly increased during the last few years, and it was still rapidly augmenting. It had advanced already from £954,000 to £1,209,000. The hon. Gentleman would find that although the insurance on agricultural property had increased since it was exempted from the duty, the amount of property subject to the tax which was insured had increased at the same time in a greater ratio. The experiment therefore advised by the hon. Gentleman would be exceedingly dangerous to an important part of the revenue. If the Government could afford to dispense with this tax they would very gladly do so; but under the circumstances he must, with great reluctance, oppose the introduction of a Bill which would only raise expectations which it would not be possible to gratify.

MR. HADFIELD said, he had no doubt that if the duty were reduced the revenue would not suffer. When the duty on coffee was 3*s*. 6*d*. a pound coffee was almost a prohibited article; now that it was a few pence there was a large revenue obtained from it. Then take the Post Office: he believed the number of letters sent had increased sevenfold. He believed that if the duty had only been a shilling, the ruin of many persons, which had been caused by fires, would have been averted, but the high duty had acted as a preventive of insuring. The duty was a tax on prudence, and in every sense, a most objectionable one, and he knew the feeling of the country to be very strongly opposed to it. He had himself presented petitions signed by thousands and tens of thousands of people against it, and he trusted that his hon. Friend would divide the House upon the question.

Motion made, and Question put, "That leave be given to bring in a Bill to reduce the Duty on Fire Insurances."

The House *divided:*—Ayes 102; Noes 112: Majority 10.

LAWS OF JERSEY.

ADDRESS MOVED.

MR. HADFIELD, in moving an Address to the Crown for a Commission to Inquire into the Civil Laws of Jersey, said that a Commission had been appointed in 1846 to inquire into the criminal laws of the island, and an intimation had been given that a Commission would also be appointed to inquire into the civil laws, but the recommendations of that Commission had never been carried out, nor had the second Commission been appointed. Having received various petitions on the subject, he had put himself into communication with the Home Office, and he was happy to state that the Government had agreed to grant this Commission.

MR. WALPOLE said, as this was a matter which had been brought under his notice in the course of last year, he hoped his right hon. Friend the Secretary of State would forgive him if he ventured to suggest the course which he thought the Government would do well to adopt in relation to it. The civil laws of Jersey were in a state that was anything but satisfactory, and the mode of procedure before the legal tribunals there had caused great discontent. If this Motion were to be acceded to he thought that there were other matters relating to prisons which might be inquired into at the same time. There was a Commission appointed to inquire into the criminal law of Jersey which had made a valuable Report. Some of their recommendations were acted upon and others not.

Soon after that Commission had made its Report an intimation was made on the part of the right hon. Baronet the Member for Morpeth (Sir George Grey), then Home Secretary, that it would be advisable to issue a Commission to inquire into the civil laws. If it should be the desire of the Crown to agree to this Motion he believed that it would produce a good effect, and would tend to the improvement of those laws. There were other matters mixed up in this inquiry which, at his request, the hon. Member for Sheffield had omitted. He must say he saw no objection to it in its present form. On the contrary, he thought very material advantages would arise from it. He should, therefore, strongly press his right hon. Friend to acquiesce in the Motion.

Mr. SOTHERON ESTCOURT said, that since he had been in office he had felt it to be his duty to look into the question referred to in the Motion, and had found from some correspondence he had had with persons living in the island that great confusion existed in the administration of the civil law in Jersey. He would not, therefore, oppose the Motion. With regard to the other matters in it he did not know much, but he was willing to abide by the view taken of it by the right hon. and learned Member for Cambridge.

Motion *agreed to.*

Address to Her Majesty—

"That She will be graciously pleased to issue a Royal Commission for the following purposes, namely—

"1. To inquire into and report on the Civil, Municipal, and Ecclesiastical Laws and Customs now in force in Jersey, including the Laws relating to the tenure of land, trusts and uses, and also the rights of the Feudal Lords in the said island:

"2. To inquire into and report on the constitution of the tribunals by which those Laws, customs, and rights are administered, and into the practice and forms of procedure used by them respectively:

"3. To inquire into and report on all defects in and abuses of the said laws and customs in the constitution of said tribunals, and in their practice and form of procedure, and to suggest remedies for amending the same:

"4. To inquire into the present state of Prisons in Jersey, and the mode of classifying Prisoners:

"5. To inquire into and report on the administration of the several public Charities of the said island."

STATE OF THE NAVY.

PAPERS MOVED FOR.

Sir CHARLES NAPIER said, he rose to move for a copy of letters from Sir Baldwin Walker, on the state of the Navy, to the Admiralty or the First Lord of the Admiralty, from March, 1858, to the end of the year.

Sir JOHN PAKINGTON said, the documents in question were confidential papers presented to the Admiralty, and it would be neither in accordance with precedent nor beneficial to the public service to produce them. He had already communicated the substance of them to the House in the statement he had made on introducing the Estimates.

Sir CHARLES NAPIER said, it was quite true that the First Lord of the Admiralty read some extracts from Sir Baldwin Walker's letters; but he did not want extracts, he wanted the actual letters themselves. It appeared that Sir Baldwin Walker was obliged to write three times to the First Lord of the Admiralty before he would take any notice of his suggestions —once in March, again in May, and again, he believed, in July. The time was when a First Lord of the Admiralty would have been impeached for leaving the British navy only one ship ahead of that of France. It was admitted that the navy was in a most unsatisfactory state; and the question was, whether the First Lord of the Admiralty had remedied those evils as soon as he came into office. The present Board, when they came into office, reduced the Estimates as far as the dockyards were concerned; and now an immense number of shipwrights were entered to bring the navy into a proper state. If that had been done last March we should now be in a different position. He thought great blame was due to the present Board as well as to the late Boards, for the present Board had not made all the exertions they ought to have made to put the navy in a proper state. He trusted the House would support him in endeavouring to get these papers.

Mr. CORRY said, that his right hon. Friend the First Lord of the Admiralty was the last person who ought to be accused of neglecting the navy. The hon. and gallant Officer stated that nothing had been done till lately for the purpose of increasing the naval force of the country. The present Board only came into office on the 9th of last March, and in the month of May the whole of the artificers in the dockyards were put on task and job work, and were continued so during the whole summer. Afterwards his right hon. Friend, when the state of the French navy was brought under his consideration, took measures in July which resulted in the addition of four screw ships of the line to the navy. They were already converted. [Sir CHARLES NAPIER: The engines are not in.] The engines were not in because, as the gallant Admiral well knew, they could not be put in till the vessels were launched, but they would be afloat in the course of a month or two. He must say that to accuse the present Board of Admiralty of neglecting the navy when they had proposed measures to add fifteen screw ships of the line and nine screw frigates to the British navy in the course of the year was to make as unjustifiable an attack as he had ever heard. With respect to the special Motion of the hon. and gallant Officer, he earnestly trusted the House would not support it, for it was contrary to all precedent that the confidential advice given by subordinate officers to the various departments should be laid before Parliament.

MR. T. G. BARING said, he conceived that when the First Lord of the Admiralty stated that the production of these papers would be inconvenient to the public service the House ought to be satisfied with that assurance, but he must add that he thought it rather out of the usual course that the First Lord of the Admiralty should have read extracts from such papers. He would not now enter upon the question whether or not, when the late Board of Admiralty left office, the navy of the country was in an unsatisfactory condition. At another time that question would be entered into by one more competent than himself to do justice to the late Board, and he was confident that it would be shown that when the late Board left office in the beginning of 1858 the navy of this country was, as regarded France or any other Power, in such a condition as the House and the country ought to be satisfied with. There was only one remark in the right hon. Gentleman's (Mr. Corry's) speech that he felt bound to remonstrate with, and that was with reference to the suggestions that had been made by Sir Baldwin Walker to the Board of Admiralty. The gallant Admiral had referred to some of these letters, and he mentioned that the first suggestion was made in March. After that date the right hon. Gentleman (Sir John Pakington) made his financial statement, in which he recommended that the Naval Estimates should be reduced from those prepared by the late Board. It was therefore scarcely to have been expected that, after controverting the statements of his right hon. Friend the Member for Halifax, the right hon. Gentleman should urge the necessity of pushing on the building of line-of-battle ships. He could not allow the statement of the right hon. Gentleman (Mr. Corry) to go forth without saying in what point he thought it unsatisfactory and insufficient.

LORD LOVAINE said, that it must be recollected at the time his right hon. Friend the First Lord of the Admiralty brought this subject before the House he was introducing to their notice a claim on the expenditure of the public funds to a very large amount, which obliged him to refer to the Report of Sir Baldwin Walker. He hoped, therefore, the House would consider the extraordinary circumstances under which those extracts were read, and not insist on the whole of the letters being laid upon the table. In March last the Government found a very large increased estimate for labour in the dockyards, and this the right hon. Gentleman was naturally loth to accept without a further knowledge of the subject; but at the same time when in May the Government received information from Sir Baldwin Walker of the necessity of the case, the whole of the artificers in the dockyards were put on task work, and the loss of time was fully compensated by the extra exertions which followed. He trusted from what had already been stated that the House would refuse to sanction the Motion of the gallant Admiral.

MR. LINDSAY said, that if any charge were made against the present Government in conducting the affairs of the Admiralty he was not prepared to endorse it. The present Board of Admiralty had been unwearied in their exertions to put the navy in an efficient state; but he was sorry to say the navy was not in the state which he could wish, considering the enormous sums which had been spent upon it. With regard to the Motion before the House, if the letter of Sir Baldwin Walker were confidential he should be the last man to ask for its production; but they would remember the First Lord of the Admiralty referred to and read extracts from it, clearly showing that the letter was not of a confidential nature. He therefore thought it ought to be laid upon the table, especially at a time like this, when there was a growing feeling throughout the country that there was something wrong about the administration of the Navy.

Mr. WHITBREAD said, that he should also vote for the production of the letters, for if the Government were justified in reading extracts from them this year to support a larger Vote, they had not satisfactorily accounted for their withholding them last year when they proposed a smaller Vote.

Mr. HUDSON said, he had listened with great attention to what had fallen from the gallant Admiral, and he was very much surprised at the manner in which he had described the condition of the British navy. All he could say was, that when the time of trial came the British navy would do all that was required of it. Whatever its condition it would be abundantly answerable to any demands made upon it. He did not care how inefficient the navy was—but he was surprised the gallant Admiral should attempt to lower the British power in any part of the world. He certainly hoped the right hon. Gentleman the First Lord of the Admiralty would continue the mode he had taken to increase the efficiency of the British navy.

Sir CHARLES WOOD said, that if there was one Member of the House who might be supposed anxious for the production of the letters it was himself; but he would never allow personal considerations to interfere with public duties. The right hon. Baronet had said it would be inconvenient to lay the letters on the table, and he, (Sir Charles Wood) should, therefore, vote against the Motion. At the same time he quite agreed with the hon. Member for Sunderland, that the British navy had never been incompetent to the task of defending our shores, and he hoped on a fitting occasion to show that during his administration at least it had been perfectly efficient for any purpose for which it could be required.

Sir CHARLES NAPIER, in reply, observed that the Secretary to the Admiralty had made a very extraordinary statement, which he was sorry to say was not an unusual thing for him to do. He said that eighteen sail of the line—

Sir JOHN PAKINGTON: Sir, I rise to order. The gallant Admiral has both spoken on the introduction of his Motion and has subsequently replied.

Mr. SPEAKER: What took place was this: the gallant Admiral said a few words on proposing his Motion, and the First Lord of the Admiralty immediately rose before the Question was put. Therefore since the putting of the Question, I think the gallant Admiral ought to be heard in reply.

Sir CHARLES NAPIER said, the right hon. Gentleman (Mr. Corry) had made a most extraordinary statement, which he was sorry to say was not unusual for him. He said that the present Board had added eighteen sail of the line and fifteen frigates to the fleet. ["No, no!"] Well, then, fifteen sail of the line and eighteen frigates. But the right hon. Gentleman (Sir John Pakington) himself had stated that we had in all thirty-three sail, and the French thirty-two. How, then, could the right hon. Gentleman (Mr. Corry) account for the addition of fifteen sail of the line and eighteen frigates. The Secretary to the Admiralty had, on a previous occasion, made another very remarkable statement. He had told the House that it would cost £164,000 to replace the old and inefficient coastguard ships with the efficient ships which he said were ready. That he (Sir Charles Napier) knew to be incorrect. The change could be made in eight-and-forty hours, and he would leave the House to see what accuracy there could be in the right hon. Gentleman's statement. Any naval officer would tell him that he was quite wrong; but though the right hon. Gentleman had twice been Secretary to the Admiralty he still knew nothing about it.

Mr. E. P. BOUVERIE said, he trusted, as the right hon. Gentleman the First Lord of the Admiralty was of opinion that the production of these papers would be detrimental to the public service, his hon. and gallant Friend (Sir Charles Napier) would not press for a division.

Sir CHARLES NAPIER said he should persist in his Motion.

Motion made, and Question put, "That there be laid before this House, a Copy of Letters from Sir Baldwin Walker, on the state of the Navy, to the Admiralty or the First Lord of the Admiralty, from March, 1858, to the end of the year."

The House *divided*:—Ayes 26; Noes 177: Majority 151.

House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Fiday, March 18, 1859.

Minutes.] Public Bills.—1^a Oaths Act Amendment.
3^a Inclosure.

THE IRISH MAGISTRACY.—QUESTION.

THE MARQUESS OF LONDONDERRY rose to put a question to the noble Lord the President of the Board of Trade, who, he understood, had been in communication with the Lord Chancellor of Ireland as to a certain circular letter which had been sent to the Lords-Lieutenant of counties, upon the last paragraph of which, in particular, he wished to have the opinion of the Government. It would appear that the Lord Chancellor, feeling that some revision was necessary, asked the Lord-Lieutenant of each county for such information as he could supply. The letter set forth the Lord Chancellor's belief that some of the magistracy whose names were on the lists or rolls of the various counties were no longer in existence, though their decease had not become known to the Clerk of the Hanaper; that some had ceased to reside in the counties of which they were magistrates; some had ceased to possess any qualification in the county, and had no local connection with it which would justify their continuance in the commission; others might have become disqualified by acceptance of subordinate situations incompatible with their holding the magisterial office. The letter concluded thus:—
"Other instances of equal force may perhaps occur to your Lordships, in respect to which you may think such revision desirable, and which you will be good enough to notice in your reply to this communication."
It was to this latter paragraph he wished to call attention. He did not wish to trouble their Lordships at any length, but it was plain this latter paragraph opened a very wide door. It had created some sort of uneasiness on the part of the magistracy of Ireland. He (the Marquess of Londonderry) had had several communications addressed to him, asking him in what particular sense this communication of the Lord Chancellor was to be taken. He supposed that, remembering what had taken place under the last Lord Chancellor of Ireland, it was felt the more desirable that some clear explanation should be come to. Some men, no doubt, sought and obtained the commission of the peace, in order to have J. P. attached to their name; some in order to be connected with local boards, boards of guardians, &c. — boards with which they were peculiarly connected, but having no real position in the county, and not attending to the general county business. If that were the view of the Lord Chancellor, he entirely concurred in it; and he would ask his noble Friend if he would be kind enough to state what the Lord Chancellor of Ireland had declared to be the meaning of this latter paragraph in his circular letter?

THE EARL OF DONOUGHMORE said, there had been no revision of the list since Lord Normanby's time, and since then the country had passed through many changes, which rendered a revision of the list necessary. The best answer to the Question of the noble Marquess would be to read a letter from the Lord Chancellor of Ireland, in which he explained the motives which had induced him to issue this circular:—

> "In the appointment of magistrates I look to the lieutenant of the county as in duty bound to see that each district is sufficiently supplied with suitable magistrates, and that he should recommend such persons as, from their social position, intelligence, and character, are the most likely to give confidence to the people in the administration of justice. I think, therefore, the lieutenant of each county should cordially co-operate with the Chancellor in securing for the people the best description of magistrates, and should with that view furnish such information and give such suggestions as may seem to be conducive to this object. Of course, they may be confidential, if the lieutenant of the county so wishes, or so far as he expresses a wish. I do not think the Chancellor or the lieutenant of the county should be dissuaded from his duty by any apprehension of displeasing persons who would be considered by both as unfit to be magistrates. I simply wished to have from each lieutenant the best information and the most judicious suggestions he could furnish; and, as this seems to me to be the most constitutional mode of proceeding, I will consider that every name which is retained on the list is approved by the lieutenant of the county — at least, not disapproved by him—so far as he can be enabled to form his own independent opinion. I do not see why either the lieutenant or the Chancellor should shrink from such responsibility as properly belongs to each respectively. Their duty is one for the public good, and must be discharged —as I conceive—'without fear, favour, or affection.' I am resolved so to act so far as I am concerned, and each lieutenant of a county must judge for himself how he will act in this matter."

THE MARQUESS OF CLANRICARDE thought the noble Earl was mistaken in saying there had been no revision of the list of magistrates since 1837. In the west of Ireland, at least, in consequence of the great changes which had taken place in the ownership of property, many of the Lords-Lieutenant of counties had been directed to revise the lists of magistrates. No objection, of course, could be taken to the letter of the Lord Chancellor, except, perhaps, that it did not go far enough. He himself had made frequent suggestions to the Irish Government on this matter, which undoubtedly was involved in very great difficulty. Too much responsibility was thrown on the Lords-Lieutenant. A great number of gentlemen were put on the list who thought they had a claim, and who, when the point was put to them, professed that their only desire was to perform the duties of the offices; but after a year or two it would be found that they neglected entirely the administration of justice, and confined themselves to the duties of the Board of Guardians, of which they were *ex officio* members. It was difficult for the Lords-Lieutenant to interfere to remedy such an evil—the task, indeed, would be perfectly odious. There were many instances in which it was to be wished that the magistrates were more consistent in their neglect, for on looking at the returns of petty sessions it would be seen that for eight or nine weeks scarcely any magistrates would attend, and then there would be a sudden influx when some matter of personal or local interest was coming on. The Lords-Lieutenant should be restricted in their selection by more stringent rules as to qualification. He thought the Government ought to consider the purposes for which the appointment of magistrates was necessary, how many should be on the roll, and particularly in what cases stipendiary magistrates should be appointed.

Lord ST. LEONARDS said, that when he read the letter of the Lord Chancellor some days ago, it appeared to him not open to objection. When he was Chancellor of Ireland he required lieutenants and deputy lieutenants of counties recommending gentlemen for appointment to the magistracy to fill up columns in which were stated the grounds on which the recommendation was put forward.

Earl ST. GERMANS said, that his noble Friend who originated the conversation made no objection to the Lord Chancellor's letter, but merely asked for an explanation of the last paragraph. In giving that explanation the noble Earl the President of the Board of Trade read a second letter, from which it appeared that the Lord Chancellor intended to hold the Lords-Lieutenant of counties responsible for the maintenance in the commission of the peace of every magistrate whose name they did not propose to expunge. It would impose a very invidious duty on the Lords-Lieutenant, because there might be many magistrates in the commission whom they would not recommend, and yet not be prepared to advise their removal—not to recommend and to strike off were very different things.

EDUCATION (IRELAND)—INTERMEDIATE EDUCATION.—QUESTION.

The Bishop of DOWN and CONNOR, in presenting petitions in favour of a united system of intermediate education in Ireland, wished to know if the Government intended to introduce any measure on the subject this Session.

The Earl of DERBY said, that the subject of intermediate middle-class education in Ireland was one that abounded in difficulties. He could assure the right rev. Prelate that it would not be lost sight of by Her Majesty's Government, and that as soon as they could see their way to a satisfactory settlement of the question they would be happy to deal with it. He could not, however, promise any Bill this Session.

THE WATER-COLOUR SOCIETY.

QUESTION.

Lord ST. LEONARDS asked the First Lord of the Treasury, whether his attention had been drawn to the Claims of the Water-colour Society for a Portion of the Burlington House Ground, in order to erect a Gallery thereon. The noble and learned Lord said, he would remind their Lordships that a few nights ago, his noble and learned Friend (Lord Lyndhurst) brought forward the claim of the Royal Academy to have a large portion of the ground attached to Burlington House. Nobody more fully agreed to the claim of the Academy than he did. The National Collection had recently been enriched by the magnificent bequests of Mr. Vernon and Mr. Turner, and the latter had accompanied his bequest with the condition that they should be exhibited in a separate gallery, annexed to the National Gallery, and he (Lord St. Leonards) trusted, that to whereever the National Collection might for a time be removed, that splendid bequest would ultimately be placed in a distinct gallery, and that the condition of the bequest would not be violated. The fulfilment of that object would be a sufficient justification for a public grant to the Royal Academy, for the bequest to the nation by Turner, himself a Royal Academician, was more valuable than the proposed grant. With very few exceptions, the Royal Academy did not exhibit water-colour drawings, and no person who was a member of the Water-colour Society could attain to any of the honours of the Royal Academy, since they did not admit to their honours the members of another society. The Water-colour Society, in making this application, did not in any manner intend any opposition or rivalry to the Royal Academy. On the contrary, they wished to do honour to that body, and to be considered an appendage to the Academy. They desired to have some ground whereon to erect a building on the same spot as the Royal Academy, so that all English art might be brought together in contiguous buildings. He thought that the Royal Academy had deserved well of the country. The portion of the space for which they asked was rather large, but if it were given with a due regard to the rights of others he should be the last to object. As their Lordships were aware, painting in water-colours was a British art, and all Europe admitted the superiority of English painters in water-colours. France, Holland, and Belgium gave the first honours to our painters in water-colours, and admitted that they were at the head of that branch of art. Therefore, as a British art their Lordships would, he was sure, think that it deserved the fostering care of the British people. The Water-colour Society was a body of private gentlemen associated for the pursuit of art, and had never had any existence as a public body or received any of the public money. It had gone on increasing both in the number and celebrity of its members, they had acquired the good-will of all parties, and all they desired was an opportunity of extending still more widely the benefits which such an association was capable of rendering in the cultivation of this delightful art, and they were of opinion that if they were permitted to erect, upon a proper piece of ground, in connection with the Royal Academy, more commodious buildings than they at present enjoyed, they would thereby be enabled greatly to extend their usefulness. They would thus be able to exhibit all water-colour drawings of approved merit, without reference to the fact that the painters were or were not members of the Society. The Royal Academy was a school for teaching art, while the Water-colour Society professed no such design. If, however, the Government by a grant of land permitted them to erect a sufficient gallery they proposed to establish a school and to assist young artists in studying their branch of art. They wanted nothing but a piece of ground, for which they were prepared to pay a ground-rent if required. The allotment for which they asked might with reference to the price paid for the whole of the ground be considered as of the value of £6,000, on which they were prepared to erect a gallery at an outlay of £8,000 or £9,000 or more. It might be said that such a gallery was unnecessary, as the Royal Academy might, and probably would, add to their present exhibition another of water-colour drawings. Now, nothing could be more incongruous than a general mixture of oil and water-colour pictures, and nothing could be more injurious than a separate exhibition by the Royal Academy of Water-colour Drawings, because it might injure the self-supporting independent body which had confined itself to water-colours, and which art they had brought to a perfection that had excited the admiration of artists all over the world. The Water-colour Society ought to be enabled to continue their separate existence, and he trusted that Her Majesty's Government would comply with their application for a piece of ground at Burlington House on which they might erect a Water-colour Gallery. The noble and learned Lord then put his Question.

THE EARL OF DERBY: My Lords, I quite admit the importance of the services rendered to the arts by the Society of Painters in Water-colours, and I admit, also, that this Society is deserving of particular encouragement on the ground put forward by my noble and learned Friend, that water-colour drawing is a peculiarly British art, and the Society ought, therefore, to be favourably considered by the British Legislature. I will not enter into that part of the question to which my noble and learned Friend has adverted, as to the relations which ought to exist between the Royal Academy and the Water-colour Society. Of course, whether the Royal Academy may or may not see fit to have a separate exhibition of water-colours in connection with their own is a matter within their own competence to decide, and one on which the Government have no right to interfere. At the same time, I am ready to say, with my noble and learned Friend, that it is very undesirable that these two Societies should occupy a position of rivalry, and more especially when the power of the two bodies is so extremely disproportionate that a rivalry might lead to injurious consequences to the smaller but not unimportant body. The Water-colour Society have already made an application to the Government for a piece of ground at Burlington House, on which they propose to erect a building, for which they are willing, if required, to pay a ground-rent. I am glad that the Government have been able to accommodate so many of the learned Societies of the country within so limited a space, and I shall rejoice to find that it is within the power of Her Majesty's Government to grant the application; but the demands for space upon this site are very large, and not the least important and extensive demand is that made by the noble Earl opposite (Earl Granville) on behalf of the University of London, a demand which is now under the consideration of my noble Friend the First Commissioner of Works. As I understand the University of London does not confine itself to a demand for a piece of freehold land, for they go further, and ask that an important building for the purposes of the University shall be erected at the expense of the Government. If this claim is admitted, so large a space will be required that it will be more difficult to find space for any other society. My noble Friend (Lord J. Manners) is considering the best possible distribution of space, with a view to accommodate all the societies that have a claim upon the Government. This is not a pleasant task; and he has, I believe, requested to see delegates from the different Societies in Congress in the hope that some mutual and general arrangement may be come to. I shall be most happy to find that the gentlemen whose claims have been brought forward by my noble and learned Friend may, after sending a delegate to Congress, be able to satisfy my noble Friend that, without injustice to any other interests there is room to admit the fair and legitimate claims of the Water-colour Society. I cannot, however, pledge myself that the Government will be able to find space for this or any other Society at Burlington House.

EARL GRANVILLE made a few observations in reference, as was understood, to the request of the University of London, but was quite inaudible.

THE EARL OF ELLENBOROUGH said, it might be convenient for these Societies that they should be located together on the site of Burlington House; but the question the Government had to consider was, how would the convenience of the public be best consulted? and he hoped that that consideration would alone influence the Government in the course they should ultimately take in the matter.

THE EARL OF ST. GERMANS said, he hoped if different plots were allotted to the different bodies that the Government would take care to secure a uniformity of style in the architecture.

THE EARL OF ELLENBOROUGH said, of course Government would adopt some particular plan to be followed by all. It would never do to have each allottee adopting his own style, and thus causing a mixture of Gothic, Grecian, early English, and all other styles.

THE EARL OF ST. GERMANS said, that of course there must be the same architect for the whole.

INDIA.—THE GOVERNOR GENERAL'S ANSWER TO DESPATCH.— THE QUEEN'S PROCLAMATION.

PAPERS MOVED FOR. QUESTION.

THE MARQUESS OF CLANRICARDE, in rising to make the Motion of which he had given notice said, that it would be unnecessary for him to press for the production of some of the papers referred to, for he found that, since he had placed his notice on the paper, they had been already laid before Parliament. In the observations he proposed making he would carefully avoid entering into any party or personal matters, but would confine himself to the expression of an opinion upon a question that seemed to be involved in some doubt and obscurity. He alluded to the question of the settlement of the tenure of land in Oude which was connected with one of the most difficult and important questions that belonged to the general subject of the government of India. It would be recollected that upon the 3rd of March, 1858, as he need hardly remind their Lordships, the Governor General issued a Proclamation, in which he stated that the whole proprietary rights to the land of Oude was confiscated to the Crown. On that Proclamation becoming known in this country, the noble Earl opposite (the Earl of Ellenborough), who was then the President of the Board of Control, wrote a despatch to Lord Canning expressing the disapprobation of his Government on the policy laid down in it. The Governor General, in reply to that despatch, wrote one upon the 17th June, to which his (the Marquess of Clanricarde's) notice referred. In that paper the noble Lord explained at some length the grounds on which he had acted, but said not one word to show that he was disposed to retract or alter the policy he had laid down. On the other hand, the noble Lord the Secretary of State for India (Lord Stanley), in his despatch of the 9th of December, seemed to assume that that policy had been entirely altered. It appeared that whatever might be the opinion of the Government on the immediate question involved when they received at the end of July the Governor General's despatch of June, no reply was sent and no instruction forwarded to his Excellency for upwards of four months. This circumstance was the more extraordinary when it was recollected that the new Council was convoked and sworn into office on the 1st of September. It was not until the 9th of December that any answer was given to the despatch of the Governor General received four months before. In that despatch, written by the Secretary of State, the noble Lord made an assertion which he (the Marquess of Clanricarde) thought was not borne out by the facts. In order that it might not be supposed he was misrepresenting the case he would refer to the document itself. In the third paragraph of Lord Stanley's despatch, of the 9th of December, the noble Lord said :—

> "I observe with satisfaction that the policy indicated in the document adverted to, as regards the claims of the talookdars and other proprietors in Oude, has not in practice been adopted by you, and is declared, on your own authority, never to have been intended to have been carried into effect. However indiscriminate and unsparing may have been the sentence of confiscation which your Proclamation pronounced, that sentence has not been put in force, and the issuing of it would appear to have been merely a menace, designed to strike awe into the minds of those still arrayed in arms against the British Government......It seems to them needless further to comment on a document which has been practically cancelled by yourself."

Now, as far as he understood the letter referred to in the above extract, it conveyed no such meaning as that put upon it by the Secretary of State. So far from the policy originally indicated by the Governor General having in any way been altered, the confiscation and the assumption of a right to the land by the Government in India seemed all along to have been acted upon by the Chief Commissioner of Oude, and to be acted on at the present moment. He would refer to some passages of a despatch which seemed to him to contradict the assumption of the Secretary of State. In the despatch of the 17th of June, which Lord Canning addressed to the Secret Committee, the noble Lord explained at some length the general state of the country he had to deal with, and finally referred to his Proclamation, which he justified. He stated that when the army was concentrated around Lucknow, he Lord Canning removed to Allahabad, from Calcutta, for the purpose of ascertaining, with greater accuracy, the past and the present condition of Oude and its inhabitants ; and it appears that the Governor General, in a despatch written about that time, stated that he had come to the conclusion that if any Proclamation were to be issued, it should be one not threatening confiscation as a possible contingency, but declaring it at once as a fact; that in framing that Proclamation he looked not merely to the question of the rebellion, but to that of the whole condition of Oude, past and present, with a view to its better government for the future. Lord Canning, in his despatch, quoted a memorandum of Sir James Outram in confirmation of his opinion—

> "The system of settlement with so-called village proprietors will not answer at present, if ever, in Oude. These men have not influence and weight enough to aid us in restoring order. The lands of men who have taken an active part against us should be largely confiscated, in order, among other reasons, to enable us to reward others in the manner most acceptable to a Native. But I see no prospect of returning tranquillity except by having recourse, for the next few years, to the old talookdaree system."

Lord Canning having stated what he had done said, that in regard to the tenure of land in Oude he was of opinion that the most sure, the most politic, and the most just course for him to take was to declare the proprietary right in the soil of all classes of Her Majesty's subjects in Oude to be confiscated ; and to reserve to Her Majesty's Government the right hereafter of disposing of it as they should see fit. Lord Canning, therefore, so far from intimating the slightest idea of altering his policy, distinctly said that—

> "When the season shall arrive when the troops shall move over the country, and shall afford support to those who are willing to give in their allegiance to the Crown, he has no doubt that the Proclamation will be accepted throughout the whole of the province, as it has already been in part."

In Lord Canning's despatch, dated the 4th July, in which he replied to the vote of confidence which the Court of Directors did him the honour of passing, Lord Canning reiterated the declaration of his policy, using the same kind of language as before:—

> "It was not without deliberation that, in framing the Proclamation, I used the positive, peremptory, and, so to speak, enacting words which declare that the proprietary right in the soil of the province is confiscated to the Government, which will dispose of that right in such manner as it may deem fitting."

Now that was the last word of the Governor General on the subject, and from what he had said in these despatches, and from all the information he had obtained he (the Marquess of Clanricarde) ventured to affirm that from his original policy laid down in his Proclamation the noble Lord never once swerved: he had constantly acted on the assumption of all title to the soil by the Government enacted on the 3rd of March, and it was upon that basis that the Commissioners and other officers were now resettling the land of Oude. If it were not on this principle he should like to know what was the nature of the tenure by which the Natives and talookdars of Oude were to hold their land in future. He had another witness to support him in that opinion. By the last mail there arrived a letter from the "Special Correspondent" of *The Times*, dated from head-quarters, Lucknow. That gentleman had been some time in India, and from his well-known ability and intelligence there could be no doubt he had succeeded in making himself acquainted with the real state of affairs there. That gentleman was in daily communication with those in authority there, and he had within his reach abundant sources of information. The Correspondent of *The Times* gave a short table of confiscations, and also described the action of the more regular tribunals, which were quite distinct matters, and then went on to say,—

> "Lord Canning has certainly used the powers of confiscation very sparingly, and Major Barrow's settlements of revenue with proprietors, who are placed beyond all fear of change or dispossession for years to come, now amount to the sum of 8,914,209 rupees, on a revenue of about 12,000,000 rupees per annum, of which 4,142,190 rupees have been already collected. The assessments made to Government are about one-half the produce of the estate. The remaining one-half represents the proprietors' income, subject to a reduction of about 13 per cent for village police, accountants, and local purposes."

What could be meant by that statement, except that all proprietors now held under a totally new tenure to that which previously prevailed? It was very well known that under the old rulers of that country there were great complaints of disturbances from the unsettled state of the tenure of land. Colonel Sleeman and other writers mentioned those facts. The chiefs were in the constant habit of fighting amongst themselves for the land. What was one of the first acts of our Government in 1856? We turned out several talookdars and gave their lands to other claimants. [The Earl of ELLENBOROUGH: No, no!] He certainly understood that to be so. But whether he was right in that or not, he was sure that we made considerable changes amongst the proprietors and occupiers of land in Oude. [The Earl of ELLENBOROUGH: Yes, very considerable.] That was all he intended to say. Those new proprietors were now placed in the occupation of land from which, as *The Times* Correspondent remarked, "they did not fear being dispossessed for years to come, because they had now an Imperial tenure granted to them by the Government." They were now in somewhat a similar condition to those who purchased property in the Incumbered Estates Court of Ireland—they possessed a sound Parliamentary title, and could rely upon the British authorities supporting them, because they took their land from the Viceroy. He repeated that in none of the despatches written by the Governor General could he find any departure whatever from the policy which he had originally laid down. But from Lord Stanley's despatch it would seem that that policy had been entirely cancelled, and he should therefore know by what tenure those talookdars to whom he adverted now held their land? The noble Marquess concluded by moving for—

A Copy of the Answer of the Governor General of India to the Secret Despatch of the 19th April, 1858, with Reply from the Secretary of State, and subsequent Correspondence on the Subject: Also, Copy of Her Majesty's Gracious Proclamation to the Princes, Chiefs, and People of India:

And asked also,

Whether the Talookdars and Chiefs who now possess Lands in Oude have not had those Lands granted or restored to them in conformity with the Proclamation of the Governor General of the 3rd March, 1858, and, if not, under what Tenure the Landowners in Oude now hold their Estates.

THE EARL OF DERBY: I hardly know, my Lords, what the question is which the noble Marquess calls upon me to answer. I must also say that, although I have listened with the utmost attention to the observations which he has made, I do not exactly understand the object to which they were directed; and still less can I perceive the propriety or expediency of entering into the various topics which he has introduced to your Lordships' notice. I think, my Lords, that the noble Marquess has, in the first place, altogether mistaken, or at any rate misapprehended, the expressions in the despatch of Lord Stanley to which he has referred. That despatch speaks, not of Lord Canning having reversed his policy, but of his having practically cancelled the Proclamation which he had issued. And now, my Lords, I must observe that I had hoped this subject of a difference of opinion between Lord Canning and the Government at home with respect to the merits of that Proclamation had been satisfactorily disposed of by the papers and explanation which have been produced, and which have resulted in a satisfactory adjustment of the real matter, while each party retains his own opinion with regard to particular transactions, without that difference in the slightest degree interfering with the cordial co-operation and mutual respect which ought to subsist between the Governor General in India and the Government in this country. I cannot therefore but regret that the noble Marquess has thought proper to revive the discussion on the present occasion, because I do not believe such a course is calculated to promote that harmony between the Governor General and Her Majesty's Ministers which is so essential to the satisfactory working of our Indian administration. I may now, however, state what I conceive to be the distinction which has all along been drawn between the policy which Lord Canning announced it in his Proclamation to be his intention to pursue, and that which he actually adopted. I cannot help thinking that my noble Friend below me (the Earl of Ellenborough), who was then President of the Board of Control, gave a very just exception to the policy indicated in that Proclamation, namely, that it held out the prospect of a universal system of confiscation, inasmuch as it declared that with only six exceptions the whole of the land of Oude should be confiscated, and that the various individuals whose property was to be thus dealt with must rely on the moderation and good feeling of the Government to be reinstated either in a portion or the whole of their possessions. It was to the sweeping system of confiscation thus broadly announced in Lord Canning's Proclamation, and which seemed to us, if carried out, to be calculated to reduce the landowners of Oude to a state of actual despair, that my noble Friend the then President of the Board of Control objected, and I think very justly; although I regretted—and I never shall cease to regret—that the sentiments expressed in the despatch of my noble Friend were prematurely given to the world, thereby occasioning some public inconvenience. With respect, however, to the merits of the case, the views in connection with it to which my noble Friend gave expression, and the imprudent and dangerous character of the Proclamation as evidenced by the naked terms in which it was couched unaccompanied by any explanation, I have always entertained the same opinion. I always believed, and still believe, that it was a document by no means well calculated to carry out those objects in India which we sought to attain. But when the noble Marquess alleges that the Secretary of State for India charges Lord Canning with having altogether reversed his policy, he represents Lord Stanley as employing language which he never used. What Lord Stanley did say was that, whereas the Proclamation of Lord Canning announced a universal and general confiscation, with some trifling modifications and exceptions, yet that practically he had acted upon the opposite principle, making confiscation the exception, and the restoration of their property to all those who had not committed some very aggravated offence against the Government of India the rule of his policy. Lord Canning, as has been stated by the noble Marquess, has acted very sparingly upon the principle enunciated in his Proclamation. And I may here state that the very able despatch in which that noble Lord sought to vindicate the issue of such a document has by no means shaken the opinion of its dangerous tendency which I have from the first entertained. I am sure, however, that in the letter of the Secretary of State for India in answer to this despatch of Lord Canning the noble Marquess cannot fairly say that there was anything inconsistent with a feeling of the utmost respect for that noble Lord and the most entire appreciation of his motives. He says in that letter:—

"I do not propose to follow, paragraph by paragraph, the elaborate arguments contained in these letters. They have been considered with the attention which was due to the high character and the distinguished position of your Lordship, and I observe with satisfaction that the policy indicated in the document adverted to, as regards the claims of the talookdars and other proprietors in Oude, has not in practice been adopted by you,

> and is declared, on your own authority, never to have been intended to have been carried into effect. However indiscriminate and unsparing may have been the sentence of confiscation which your Proclamation pronounced that sentence has not been put in force, and the issuing of it would appear to have been merely a menace, designed to strike awe into the minds of those still arrayed in arms against the British Government."

Why, my Lords, Lord Canning, in the instructions which he issued to the various general officers, invariably adopted this course, clearly showing what his intention was; and that, although a threat of universal confiscation had been held out, it was not intended that that threat should be carried into practical operation. He writes, for example, in the 38th paragraph of his despatch, as follows:—

> "I afterwards had occasion to send my Military Secretary, Colonel Stuart, to head-quarters, and I took the opportunity to explain to the Chief Commissioner that I wished him to give the most liberal interpretation to the Proclamation; that, for instance, the Proclamation left it free to him to notify to any talookdar, who was deserving of consideration, that if he made submission and supported the Government the confiscation of his lands would not take effect, and that his claims to property, of which he might have been deprived upon the annexation of the province, would be reheard; and that in the case of these having been resumed by him, he might retain them till the rehearing."

Now, if that interpretation had accompanied the Proclamation when it was first sent to England, the tone of the despatch, which was written with respect to it by my noble Friend below me (the Earl of Ellenborough), would, I have no doubt, been materially altered. I do not of course wish to refer to the circumstances under which it happened, singularly and unfortunately, that the Proclamation arrived here without any explanatory communication, and that that request—which was embodied in a private note, that a favourable construction might be put upon it until Lord Canning should have time to state the reasons which had induced him to issue it—never reached the President of the Board of Control. But, my Lords, as I before stated, although we differed from Lord Canning as to the policy of the original Proclamation, we concurred with him in the policy upon which he has practically based his proceedings. It is not such a policy as one who read his Proclamation would be inclined to expect, making, as it does, confiscation the exception, and a generous consideration of the rights of the people of Oude the rule. He has pursued, in fact, the policy, the adoption of which my noble Friend below me recommended; and therefore, Lord Stanley simply congratulates the Governor General, not upon the change of his policy, but upon the circumstance that it was a policy which, in consequence of what had previously taken place, he had not led the Government to anticipate. Your Lordships will perceive that Lord Stanley's letter, conveying the opinions of Her Majesty's Ministers on the subject, may be liable to misinterpretation, and that a very erroneous and unfortunate impression may as a result be produced. But the noble Marquess will, I am sure, do my noble Relative the justice to admit that the views to which he gave expression were couched in the most friendly spirit; and that, while retaining his own opinion with reference to the policy of the Proclamation in question, he at the same time bears testimony to the satisfaction and confidence which the general policy of Lord Canning affords the Government, and the confidence which they repose in his judgment and discretion. I hope it will not be considered by any means inconsistent with entire respect for that noble Lord, and the most cordial harmony of action between him and Her Majesty's Ministers, that the Government should state that they differ from him with regard to a single isolated point in his policy; and I may add, that I cannot help thinking that no good can result either to Lord Canning or to the country from perpetually adverting—as is the case with some of the public journals—to disagreements supposed to exist between the Governor General and the Government at home, and from continual representations to the effect that the Governor General is an ill-used man, and representing the Government at home as anxious to deprive him of the just honour and the meritorious and legitimate distinction to which he is entitled. To show that such representations have no good foundation, and that apart from the question of this Proclamation Her Majesty's Ministers do not fail to appreciate the services which Lord Canning has rendered to the State, I may mention, for the satisfaction of your Lordships and the personal friends of the noble Viscount, that some weeks ago I was honoured by the commands of the Queen to intimate to Lord Canning that it was Her Majesty's gracious pleasure to confer upon him the Grand Cross of the Order of the Bath; and I have subsequently conveyed to Lord Canning the signification of Her Majesty's gracious intention, that when he is enabled to signify to us the complete pacification of India his distinguished services shall be further acknowledged, with the cheerful and ready concurrence of the Government, and that he will then return to this country with honour to himself and with the acclamation of his countrymen; and I think, my Lords, that a Government that has, in the first place, recommended Her Majesty to confer upon Lord Canning, as Governor General of India, the Grand Cross of the Bath, and, in the next place, tendered their advice to Her Majesty to further reward his services by a step in the peerage—I think that that Government cannot be charged with having overlooked, or desired not to appreciate, the services of that distinguished person. With regard to the ownership and proprietorship of land in Oude which was alluded to by the noble Marquess, that is, no doubt, a difficult and complicated question; and the settlement in 1856, as the noble Marquess has truly stated, was undertaken, I think, in a somewhat hasty, inconsiderate, and intemperate manner. That settlement introduced quite a different class of proprietors and dispossessed a certain number of existing talookdars. It created a great deal of dissatisfaction, and, no doubt, to it may be attributed, in a great measure, the strenuous opposition which was afterwards made to British rule. It is, however, a very singular fact that, when the time of struggle came, so far from our being able to rely on those who had been restored to their property and placed in repossession of their lands; so far from their finding security or support, so far from deriving any from these little village proprietors, they one and all at the first outbreak deserted the Government which had conferred upon them those benefits, placed themselves under the suzerainty of the old talookdars, and unhesitatingly followed them throughout the whole rebellion, without the slightest consideration for, or gratitude towards the Government. Now, at the commencement of 1858 was issued the Proclamation to which the noble Marquess has adverted. It had a very limited circulation indeed, and I doubt very much whether any of the talookdars, or any of those who came in, ever saw this Proclamation in its integrity, or were aware of the sweeping terms of the confiscation announced in it. I have it upon the authority of Sir James Outram, who was Commissioner in Oude at the time, that not one single talookdar came in under the proclamation who had not also received the explanatory letter from the Commissioner, stating that they would not be dealt with in any spirit of harshness, but might depend on being restored to their property. In the course of two or three months after the issue of the Proclamation some 100 or 150 talookdars tendered their submission. That was to be attributed partly to the explanation which accompanied the Proclamation, and partly to the advance of and occupation of the country by our troops. But the very instant that this military pressure ceased in consequence of the hot season, and the consequent inaction of our army at Lucknow, and the fact that the services of our troops were required elsewhere, by far the greater number of these talookdars again revolted, and remained in revolt until the issue of Her Majesty's Proclamation. I believe there is no doubt whatever that the effect produced by the original Proclamation, and even by the pressure of Her Majesty's forces, was utterly insignificant as compared with the effect produced by the Queen's gracious message of amnesty and mercy; and the broad distinction between the spirit of the two Proclamations is, that whereas the one made severe penalty the rule, and moderate indulgence the exception, the other only excepted from mercy crimes of the deepest dye, and all who had not thus offended received an assurance that their lives were safe, and that in most cases they would be restored to their property. The noble Marquess is mistaken in supposing that the great bulk of those who have come in under the Royal Proclamation have reoccupied their land under a re-grant or fresh grant from the Crown; on the contrary, they have at once re-entered upon the properties from which they were expelled partly by the proceedings of 1857, and partly during the subsequent revolt. I do mean to say that there are no exceptions to this rule where persons who have rendered distinguished services to the Government during the revolt have been rewarded by a grant of forfeited lands. In their case it may be quite true that they hold their lands under a direct grant from the Crown in consequence of the forfeitures which have taken place; but I venture to say that the great bulk of the talookdars who have returned have resumed possession of their property, not by any such grant, but under the terms of Her Majesty's Proclamation of amnesty. My Lords, I will not enter further into the discussion of this question. I hope the country is now settling down rapidly and peaceably, and that in a very short time we shall have to report the complete pacification not of Oude only, but of India generally. In Oude I believe the best possible effect was produced by the message of mercy which Her Majesty was advised to transmit to India; but I believe that nothing can tend so much to disturb that peaceable and quiet settlement as when questions are raised in this or the other House, endeavouring to show a difference of opinion in practice, whatever may be the theoretical agreement, between the Home Government and the Government of India. I am persuaded, my Lords, that Lord Canning is acting frankly, in the spirit of those principles of mercy and generosity which were laid down in the Royal Proclamation, and I am convinced that such a policy affords the best chance of obliterating the remembrance of the unhappy struggle through which we have passed. Let me say further that I believe, if we are to maintain our hold upon Oude, if we expect our rule there to be quiet and tranquil, we must govern through the influence and the power of the talookdars, who, by whatever means they may have acquired possession of their property, are certainly looked up to by the population, exercise an extensive influence over them, and may be relied upon as the best means of upholding our authority if we deal with them justly and generously, and abide faithfully by the engagements into which we have entered with them. With regard to the papers produced, I certainly think that the Royal Proclamation ought not to have been moved for at all, but that it ought to have been laid upon the table by the command of Her Majesty; and, indeed, it has been communicated to the Commons. I am not able to account for this, but your Lordships will hardly require to be told that there is no desire on the part of the Government to withhold from the knowledge of this House any information which is communicated to the other. Neither has there been the slightest desire on our part to conceal from either House of Parliament the views of the Government. We have felt it due to Lord Canning at the earliest possible moment to publish the arguments by which he vindicated the tenor of his Proclamation, while, on the other hand, we have thought it our duty to lay before Parliament the grounds on which, adhering to the subsequent policy of Lord Canning, we still dissent from his original Proclamation. I can only assure your Lordships that, as far as the Government is concerned, the most entire and frank cordiality exists towards the Governor General, and that we are most anxious to co-operate with him in every possible way for the benefit of India; and, entertaining such sentiments, I must regret that this discussion should have been revived, or that we should again have heard of the painful controversy which existed between the Governor General of India and the Home Government on a particular point of past policy.

Earl GRANVILLE: My Lords, although Her Majesty's Government have pushed further than any Government I can remember the doctrine of not discussing important questions which occupy the public mind, I can assure the noble Earl that no one is more anxious than I am to avoid in this House all points of controversy likely to affect the existence of amicable and cordial relations between the Government and Lord Canning. I have felt this to a very great degree; and, although I have had no communications from Lord Canning on political matters for many months past, yet the very fact of my being known to be a personal friend of the noble Viscount has made me anxious not to bring forward any question which might place him in a painful position with regard to the Government. In fact, I was not aware that the noble Marquess was going to put this question until he had given the usual notice. When, however, the noble Earl expresses astonishment that this subject should have been brought forward, and, on the other hand, hopes the House will receive the despatch of Lord Stanley, as written in a very friendly spirit towards the Governor General, I cannot help putting in my protest. I am certainly not going to revive the debates of last year with regard to the Proclamation of the Governor General, or the despatch of the President of the Board of Control. But the question now raised is raised for the first time—it does not arise upon an ancient matter, but upon a despatch written several months ago, the production of which to Parliament has been delayed, and which, in fact, has never been presented to this House at all. It opens, therefore, a fair matter for discussion. What are the circumstances of that despatch? In an answer remarkable for the power of its arguments, and for nothing more remarkable than the calm dignity with which the personal question is treated, and for the complete absence of anything like personal irritation, the Governor General defends his policy in the clearest way, and, whether right or wrong, lays down distinctly what were the reasons of that policy, and why he considered it desirable to issue the Proclamation at once, both because of the effect it would produce upon the Native mind, and because of its bearings upon the other important question of the land tenure in Oude generally. I am not sure that that despatch did not arrive before the close of the sitting of Parliament last year.

THE EARL OF DERBY : No.

EARL GRANVILLE : At all events, it arrived very soon afterwards, and it was not until six or seven weeks had elapsed, and when some public comments had been made upon the non-appearance of the despatch, that it was given to the world by means of the ordinary channels of information. After four months' consideration of that despatch Lord Stanley, who is remarkable for his singular power of dealing with details, and for his general courtesy to all persons, sent the reply to which attention has been called. If anybody will take the trouble to read that short reply, he will have no difficulty in deciding whether it is of a friendly character or not. Without professing to follow paragraph by paragraph the despatch of the Governor General, it states that the policy of Lord Canning has not in practice been adopted by himself, that it was declared upon the Governor General's own authority never to have been intended to be carried into effect; that the issuing of the Proclamation was merely a menace designed to strike awe into the minds of those still arrayed against the Government, and so on. I appeal to the House whether that document—which just contains that amount of complimentary language which is always addressed to an agent when you mean to give him a very strong rebuff—I appeal to your Lordships whether that document does bear the character of a friendly despatch or not? There is another matter on which I should like some information. I see that the Order made in the House of Commons was, for Lord Canning's despatch, and "for any reply from the Secretary of State in Council, from the Secretary of State for India in Council, or from the Secretary of State for India to the Governor General of India;" and I see that the despatch produced is "from the Secretary of State for India," and not "from the Secretary of State for India in Council." Therefore, I presume—and, if it be so, it will be in accordance with rumours which I have heard—that that despatch was never submitted to, or approved by, the Council of India, with respect to whose valuable co-operation I certainly all along have had my doubts, although it was so much relied upon by the noble Lord in the Bill which was passed last year. Some discussion was raised last year as to whether Lord Ellenborough's despatch ought to have been sent through the Secret Committee, and I now forget whether that noble Earl defended it being so sent, on the grounds of its being a matter relating to war and peace, or on the ground of its being a matter of mercy, but whether it was right or wrong to send that despatch in that manner, I cannot conceive any reason after the whole correspondence had been communicated to the Directors, and published to the whole world, why the despatch of Lord Stanley's should not have been submitted to the Council, unless indeed, the Government had received previous information that the Council would totally disapprove of such a document. It is of great importance that this should be explained, because it is really desirable that Parliament should know on what principle the Government intend to act with regard to communications which they send out to India; whether they are to be sent under the powers given by the Secret Committee Clause of the Act of last year, or whether they are to be approved of by the Council. It is of very great importance to know this, for there is a clause in the Act which gives to the Members of Council who disapprove of any despatch, power to record their reasons in writing for such disapproval. I have stated what I consider to be the character of Lord Stanley's despatch, and I have done so, not with the view either of embarrassing the Government, or of placing the relations between themselves and Lord Canning upon any unfriendly footing, but in consequence of the challenge of the noble Earl to the House to deny that the despatch was couched in the most friendly spirit. Of course I am unable to say how Lord Canning may regard that despatch, which I think to be unfair in its substance, and not courteous in its tone; but I do most sincerely hope that he will regard it as one which it is not necessary for him in any degree to notice. After having advised Her Majesty in her Proclamation to assure Lord

Canning and the people of India of the entire confidence which Her Majesty felt in his judgment, ability and loyalty; after the honours which have been bestowed upon him on the recommendation of the noble Earl, which I most heartily and thankfully acknowledge; and after the intimation which has to-night been made in "another place," in answer to a question, of the intention of the Government to propose the thanks of Parliament to Lord Canning, Lord Clyde, and the other distinguished officers engaged in the pacification of Oude —after all these circumstances, I do feel that we may all rest satisfied with the matter as it stands, and that we may look upon that unfortunate reply of Lord Stanley's as an indication, possibly, of some little difficulty of grappling with so able and so well-argued a despatch as that of Lord Canning. I can assure the House that nothing shall be done by me to disturb the cordiality of feeling which exists between the Government and their representative in India, so long as on all questions that courtesy and frankness are observed which are so much to be desired on both sides.

THE EARL OF ELLENBOROUGH: My Lords, I much regret that this subject has been reproduced before your Lordships. I think that it would have been far better to say nothing at all about it. I am in a position of peculiar difficulty, for I actually have not read Lord Stanley's despatch which has been alluded to by the noble Marquess, and I did not even know that he had written one; but I judge the substance of it from what the noble Marquess has said, and in contradiction to the noble Earl who has just spoken, I say that that despatch is accurate in substance. I base my opinion not merely upon the general knowledge which I have obtained from newspapers, and from those letters to which the noble Marquess has alluded, of the course of proceedings in Oude, but upon the knowledge which I derive from the proclamation of Mr. Montgomery, the Commissioner of Oude, issued by the direction of the Governor General himself. That proclamation I read on the 15th of December, and therefore I conclude that Lord Stanley had it before him when he wrote the despatch which has been referred to. [Earl GRANVILLE: What is the date of it?] The date is not given, but it must have been about the 1st of November, the day on which the Queen's Proclamation was published, Lord Clyde having proceeded on the evening of that day from Allahabad to commence operations for the conquest of Oude. What was that proclamation? It says:

> "By direction of the Right Hon. the Governor General of India, the Chief Commissioner of Oude hereby calls upon all talookdars, zemindars, inhabitants, and residents in Oude, of every grade and class, with the exceptions herein enumerated, to deliver up to the servants of Government at the nearest police station, within one month from the date of this proclamation, all cannon, firearms, swords, bows, arrows, spears, or other descriptions of weapons whatever; also all gunpowder, shot, shell, sulphur, saltpetre, and munitions of war of every kind."

Then it says—

> "Failing in obedience to this order, whosoever, after the period of one month from this date, shall be convicted of wearing or possessing any of the weapons or warlike stores abovementioned, shall be subjected to the penalty of fine of 5,000 rupees, and of imprisonment, for one year, with flogging; and, if a landholder, of the confiscation of his lands."

How on earth could his lands be confiscated in November if they had already been confiscated practically in March? The fact is, that the confiscation of March never had effect in a single instance.

The proclamation proceeds in the same tone:—

> "Further, it is notified that if any talookdar or other inhabitant of Oude, after the issue of an order for the dismantling of his fort, shall in any way attempt to reconstruct the fortification, or shall have in his possession, or shall make preparation for casting or collecting, any cannon or munitions of war, his talooqua or lands shall be liable to be conficated, in addition to such other punishments as may be awarded."

Observe, this proclamation is not adaddressed to the few persons who were under the immediate influence of our army, or who had come in under the Proclamation; but it is addressed to the whole body of the people of Oude, and it affixes that penalty of confiscation to certain acts thereafter to be performed. How could Mr. Montgomery inflict that penalty of confiscation if the lands were not then in the possession of those persons? The noble Marquess doubts upon what tenure the lands in Oude are now held. I apprehend, precisely upon the same tenure on which they always were held. When we took possession of Oude, we made what is called a summary settlement. Summary, indeed, it was, based upon very little information, and proceeding upon a very erroneous principle. For that principle, no doubt, Lord Dalhousie is responsible, but for all the details and for the manner of carrying them into execution, Lord Canning is responsible.

And that settlement having been made, inasmuch as it was summary in its character, and as it was determined on without information, and was also unjust, it was open to the Government to make a re-settlement. It was declared that there would have been a re-settlement under any circumstances — a reconsideration of the whole transaction; and I apprehend that all that has been done now is to make a re-settlement of those lands, leaving the occupier where he was before probably, fixing a new rent perhaps, and in some cases making a redistribution. I am unwilling to say more upon this subject; for, as I have already said, I regret that it has been introduced at all. I rejoice that, no matter how accomplished, Oude has now been pacified; and if Her Majesty's gracious Proclamation be carried into effect there, and everywhere, *bonâ fide* by the Government, and by those who act under the Government, I do entertain an earnest, perhaps a sanguine hope, that the peace now established may be made permanent.

THE EARL OF HARDWICKE said, that as a near connection of Lord Canning, that nobleman's honour was as dear to him as it could be to any noble Lord opposite, but he begged to differ from the noble Earl opposite (Earl Granville), as to the necessity of opening up this subject on Lord Canning's despatch. There was a difference of opinion so utter and complete between the Government and Lord Canning on the subject of the Proclamation, that it was hopeless to think that any amount of argument could bring them to an agreement. Under these circumstances he thought there was no incivility on the part of the Government here towards Lord Canning in declining to discuss the arguments he had put forward in his despatch. Certainly if there was any difference of opinion between the Government at home and the Governor of any of our dependencies, it must be injurious to the public service that they should be produced and made the subject of discussion before the world.

THE MARQUESS OF CLANRICARDE wished to ask, if there was any disadvantage in bringing on a discussion between the Government and the servants of the Crown abroad, whether it was not the present Government themselves who had first raised such a discussion? However, in deference to the opinion of many noble Friends, and as the papers for which he moved were already before Parliament, he would withdraw his Motion.

Motion *withdrawn*.

House adjourned at a Quarter-past
Seven o'Clock, to Monday
next, Eleven o'Clock.

HOUSE OF COMMONS,

Friday, March 18, 1859.

MINUTES.] PUBLIC BILLS.—1° Admiralty Court; Charitable Uses; Parliamentary Voters (Ireland).

3° Saint James Baldersby Marriages Validity.

PARLIAMENTARY REFORM.

OBSERVATIONS.

MR. ROEBUCK, Sir, I rise to make a formal Motion that the House at its rising do adjourn till Monday. I do so for the purpose of making certain observations, and, as I think it possible those observations may provoke some remarks, I do so for the purpose of reserving to myself the right of reply. Sir, I suppose I may assume that the great majority of this House is very anxious the question of Parliamentary Reform should be settled. That, I think, is not a very wild proposition, or one unsupported by facts. But it appears to me that the course the House is now invited to pursue will, if adopted, lead to the exactly opposite result. Now, with the permission of the House, I will address myself to the noble Lord the Member for the City of London; he has put upon the books of the House a Resolution which, if carried, will, though not formally, yet in reality, negative the Bill introduced by the right hon. Gentleman the Chancellor of the Exchequer. I think one consequence of this will be that you may not have a chance of passing anything like a Reform Bill this year, because we are told to expect that the right hon. Gentlemen on the Ministerial Bench will thereupon dissolve this House. [*Cries of* "No!"] Hon. Gentlemen say "No, no!" but they are sure in their hearts that what they so deny will be done, and if it is done it is quite clear that the question of a Reform of Parliament will be deferred till the meeting of the new House, when we may have a second edition of the present Bill.

MR. E. P. BOUVERIE said, he rose to

order. He wished to know whether it was competent to the hon. and learned Gentleman, on a Motion of adjournment, to discuss a question that stood on the paper as a subject for debate on a future day?

Mr. SPEAKER said, it would be out of order then to discuss a subject fixed for a future day; but he understood that the hon. and learned Member proposed to address a question to the noble Lord the Member for London, on a notice the noble Lord had placed on the paper.

Mr. ROEBUCK: I hope the House will grant me its indulgence. I am not often in the habit of troubling it at any length, and what I have to say will soon be brought to a close. When I was so kindly interrupted I was about to observe that by the course the noble Lord would persuade the House to pursue the question of Reform is very likely to be deferred indefinitely. I would therefore ask the noble Lord to adopt a precedent of his own. During the last Session of Parliament the right hon. Gentleman opposite brought in a Bill to reorganize the Government of India. That Bill did not meet any favourable reception in this House. The noble Lord, then, with that chivalry that belongs to him, stepped in to aid the right hon. Gentlemen opposite, and proposed that the House should proceed by way of Resolution, that the Bill brought in by the Government should be dropped, and that the House should come to certain Resolutions on which a new Bill should be introduced. The noble Lord, having regard to the interests of India—and thereby for the interest of England also—proposed that course. I now ask the noble Lord to consider that the interests of England are bound up with a new Reform Bill; I ask him whether he cannot borrow an example from his own principle, and enlarge the Amendment he has proposed into a series of Resolutions which may be the foundation of a new and better Bill. I put this question to the noble Lord, and I am sure he will be kind enough to give me an answer. [Lord J. Russell dissented.] I now ask the Chancellor of the Exchequer whether, if the course I have suggested is pursued, Her Majesty's Government will be prepared to forego the present Bill and bring in another framed in accordance with the Resolutions adopted by the House. Having put these two questions, one to the noble Lord, the other to the right hon. Gentleman opposite, I would address myself to the hon. Gentlemen behind me, particularly the hon. Member for Birmingham (Mr. Bright), who, I see, does not approve my suggestion. But I ask those hon. Gentlemen to consider what would be the result if the proposition of the noble Lord is carried. That proposition can only be carried by an alliance between the noble Lord and the right hon. Gentlemen who now sit on the Opposition benches. To what would that lead? Last year the House dismissed those right hon. Gentlemen; and we are now called upon, by a sidewind, to do something that will re-establish them in office. Now I, for one, am not prepared for that. I will go further than that; I do most earnestly request those hon. Gentlemen who took part in the proceedings of last year to consider well what they are about now; for it is quite clear that the proposition of the noble Lord has been put on the paper with a full understanding with certain parties on the Opposition bench. We know well what will happen, and I ask hon. Gentlemen and I ask the country if they are prepared at this time, with the terrible state of affairs existing abroad, if they are ready to place the destinies of the country again in the hands from which they took them last year. Any dislocation of the Government of England at this moment may lead to terrible calamities abroad. A dissolution of the House of Commons may lead to instantaneous war! Let me explain how. Europe does not understand England. It will believe from a dissolution of this House that all parties are dislocated; that we are all at sixes and sevens; that there is no strength in English public opinion. It is English opinion that now keeps the world at peace. But let the world believe that English opinion is as nothing, and there will be confusion, riot, and bloodshed throughout the whole of Europe to-morrow. Sir, it is with these considerations strongly oppressing me that I ask the noble Lord not to pursue the course he has proposed. On his shoulders rest the great destinies of this country now, and by the course he is adopting he may bring upon us incalculable calamities. Therefore I say, think carefully what you are about; let no considerations of party, no considerations of self, no considerations of paltry ambition interfere and lead you to pursue a course that may be to the detriment of the interests of your country. I know well that the statements I have made will be disagreeable to certain hon. Gentlemen on that bench. By adopting the course I have suggested they may avert great calamities from England, though it may bring on their shoulders the great calamity of keeping them still in Opposition. But that, Sir, is an object I at once declare I have very much at heart. I am unwilling to detain the House longer. I only ask the noble Lord to adopt the principle he acted on last year, and move certain Resolutions on which a Reform Bill may be framed, so that the Bill of the Chancellor of the Exchequer may be entirely dropped.

MR. COX said, he rose to express his obligation to the hon. and learned Gentleman for having put the question which he (Mr. Cox) had given notice of his intention to put to the right hon. Gentleman. Knowing the hon. and learned Gentleman's standing in that House, he was free to admit that he was glad the hon. and learned Gentleman had done so, and also that he had addressed another question to the noble Lord the Member for London. Like the hon. and learned Member, he was not at all satisfied with the position in which the question of Reform stood in that House. If, on the second reading of the Government Bill, it were met with a direct negative, he should have no hesitation in the vote he should give, for he should go into the lobby and vote against it; but when he found the noble Lord placing an Amendment upon the paper for which the hon. Gentlemen sitting below the gangway—he meant the Radical party—would feel themselves bound to vote. [" No, no !"] Well, then, he would speak for himself, and say that he, as one of the Radical party, would feel bound to vote for it; and that it was placing him in a position of very great difficulty, because the noble Lord's Amendment did not go far enough to satisfy him or those who called themselves Radicals in that House. The Amendment of the noble Lord stated that the Bill of the Government was not satisfactory, because it did not provide for a sufficient extension of the suffrage in boroughs and cities. [" Order, order !"]

MR. SPEAKER said, he was compelled to intimate to the hon. Member that he was transgressing the rules of the House by proceeding to discuss the terms and substance of the noble Lord's Resolution.

MR. COX said, he was sorry he was out of order. He would, however, endeavour to steer clear of the difficulty. At all events, a notice had been given of some Amendment, which, as he was told, was to effect—[*Cries of* " Order !"] He appealed to the House. He only asked for the same indulgence which was extended to the hon. and learned Member for Sheffield, and he thought, as it was he who gave notice of his intention to put this question, he had some slight claim. Suppose an Amendment was moved on the second reading of this Bill which was to have the effect, as he was told it was to have, of changing the sides of the House—transferring them to the opposite side of the House, and bringing hon. Gentlemen opposite to this side, he wanted to know what the noble Lord meant to do with the subject of the ballot, because it would be impossible for the Radical party to assist the noble Lord to obtain a place in the Government if he would not, at all events, assure them that the ballot must be granted. He thought the time had come when men like himself, who belonged to the Radical party, should tell the Whigs that they must not expect them to act together for the purpose of giving place to the Whigs, and then, when place had been obtained for them, hon. Gentlemen on the other side were to be used for the purpose of preventing any Reform being obtained. It was well known that the Liberal party in that House were in favour of the ballot, and were they to give their votes to place the Whigs in power, in order that the Whigs might join with the other third of the House to prevent their having the ballot ? He, for one, must tell the noble Lord that it would never do for him to attempt to lead the Liberal party unless he made up his mind to give them the ballot. He remembered reading a speech two or three years ago made by the hon. Member for Birmingham, in which he said if fifty sincere and honest men in the House made up their minds to have the ballot they might get it. He begged to assure the noble Lord that if there were not fifty men there was a number approaching to it who were prepared to take the course foreshadowed by the hon. Member for Birmingham. They meant to take every means in their power to get the vote by ballot. He would conclude by asking Mr. Chancellor of the Exchequer the question of which he had given notice, whether, as all parties express a desire that a Reform Bill should pass, it would not be better to proceed by way of Resolution, in order to frame a Bill to carry such desire into effect ?

THE HUNTINGDONSHIRE MAGISTRACY.

EXPLANATION.

MR. T. DUNCOMBE said, he supposed

there was to be no answer to the question, and therefore he would take the opportunity of explaining an error into which he had fallen, relative to a matter which he had referred to a few nights ago. On that occasion he inquired of the Home Secretary if he could account for the great increase which had been made in the list of magistrates for the county of Huntingdon. He stated that three Liberals had been passed over, that the six new magistrates were all Tories, and that four of these were clergymen, and the other two were laymen. It was because he wished to state where he was correct and where he was incorrect that he now called the attention of the House again to the subject. He had been told by the gallant General the Secretary for War that he was wrong in every way, from beginning to end; but he thought he could satisfy the House that he was much nearer the truth than the gallant General. Of course the gallant General's denial was a Parliamentary way of telling him (Mr. Duncombe) that he had spoken an untruth, a conclusion which anybody would naturally draw. The hon. Member for the county, too, advised him to place no reliance upon those who had instructed him in future—advice which he would recommend the hon. Gentleman to transfer to his right hon. Friend the Secretary for the Home Department. That right hon. Gentleman was certainly right in saying that, instead of four, only three of the new magistrates were clergymen, and that the remaining three were laymen. The mistake arose from one of the laymen bearing the name of Spurling, which was also the name of a clergyman there, and his impression had been that it was the clergyman, and not the layman, who had been appointed to the magistracy. With regard to the three Liberals who had been passed over, the right hon. Gentleman said that one of them—the Rev. Mr. Shafto—had been passed over because he resided in the same parish with his brother, who was a well-known magistrate there. But here the right hon. Gentleman was perfectly wrong; for he (Mr. Duncombe) had been informed that the brother had gone to the county of Durham four or five years ago to reside, and would not return. Therefore, if there were any man who ought to have succeeded to that gentleman in the commission of the peace it was certainly the Rev. Mr. Shafto. The hon. Member for the county had denied that any one of the clergymen had canvassed for him; but he (Mr. Duncombe) had received a letter from a gentleman who stated that he not only saw one of them canvassing with the hon. Gentleman, but also saw them mobbed. The Rev. Mr. Grove, he believed, did not canvass, but he voted for the Tory candidates. The other, the Rev. Mr. Stopford, not long since brought an action against one of his parishioners, which was tried before Baron Pollock, from whom he received a severe rebuke by being asked how a minister of the Gospel could go to law with a parishioner to-day and meet him at the Sacrament to-morrow? Well, these gentlemen had been put into the commission of the peace, and three others had been passed over. He came now to the statement of the Secretary for War, who had given him such strong denials on a previous night.

Mr. SPEAKER said, it was passing the limits of order for the hon. Member to reply in detail to an hon. Gentleman who had addressed the House in a past debate. He had understood from the hon. Member that he merely desired to make an explanation in reference to certain points on which he had been misapprehended. To re-open the whole question, and reply to the hon. Gentleman who spoke in a former debate, would be entirely out of order.

Mr. T. DUNCOMBE said, he merely wished to make a personal explanation, as he had been accused of stating what was not true in that House. The right hon. and gallant Gentleman said that he was incorrect from beginning to end. He (Mr. Duncombe) had stated that there had been no contest for Huntingdon for thirty years; and, to a certain extent, he was wrong. The right hon. and gallant Gentleman said that there had, for he himself had stood two within that period. He would ask the right hon. and gallant Gentleman when? He knew that the right hon. and gallant Gentleman had a contest at the time of the Reform Bill; but when was the other? It was true that Mr. Prendergast, an eminent barrister, once went down to Huntingdon, but he received the answer which was proverbial in the town, "It's no use your coming here, our Members are returned in Lord Sandwich's drawing-room." Mr. Prendergast withdrew before the nomination, and the right hon. and gallant Gentleman would surely not call that a contest. The right hon. and gallant Gentleman said that Huntingdon was not a pocket borough; but he (Mr. Duncombe) held in his hand a book which gave all the information needed. It told them that Huntingdon was celebrated for its agricultural produce and its soft cheeses, and then it gave all the polls which had taken place since 1832. The right hon. and gallant Gentleman said, as a proof of his independence, that he voted for the Repeal of the Corn Laws, while Lord Sandwich was on the opposite side. But the right hon. and gallant Gentleman was not quite candid in his relation of that matter; for he forgot to tell the House that at that time he was Surveyor General of the Ordnance, and was, therefore, a subordinate in his brother's Government. In conclusion, he (Mr. Duncombe) ventured to say that what he had advanced the other night was substantially correct from beginning to end.

GENERAL PEEL said, that as the hon. Gentleman had made a personal appeal he would answer him respecting the contests at Huntingdon at once. The first was when he first went to the borough, when he was opposed by a Gentleman whose politics somewhat resembled those of the hon. Gentleman. That was in 1830 or 1831, and after the passing of the Reform Bill, he was again opposed by a gentleman who polled a considerable number of votes in his favour. The hon. Gentleman insisted that Huntingdon was a pocket borough of Lord Sandwich. Now he could tell the hon. Member that if Lord Sandwich and all the House of Lords were to unite together to return him (Mr. Duncombe) for the borough of Huntingdon they could not do it. He said that with all respect to the hon. Member, for the reason was that his political opinions were not in unison with a large majority of the most respectable constituents. The hon. Member said that three gentlemen of Liberal politics were passed over, and among them the Mayor of Huntingdon. What opportunities the hon. Member had of knowing that gentleman's political opinions he (General Peel) did not know. He was precluded from voting at elections, as he held a situation in the Stamp Office; but he (General Peel) had known him for many years, and he had reason to believe that his political opinions were more in unison with his (General Peel's) than with those of the hon. Member. He was very sorry if, in what he said on a former occasion, he had said anything to offend the hon. Member; he only meant to say he had been misinformed from beginning to end of his statements; and he still thought so, but he never meant to say that the hon. Gentleman made those assertions of his own personal knowledge.

MR. FELLOWES said, he could not help expressing his regret that the hon. Gentleman had thought fit to renew this subject after what had been said on the former occasion. The hon. Gentleman had said that everything which he had previously stated was correct. Now, with all respect for the hon. Member, he begged to tell him that what he had stated on a previous occasion was substantially wrong. He had represented him (Mr. Fellowes) to have said that none of these clergymen canvassed with him at his election. He had never said anything of the kind. What he had stated, and what he would repeat, was this, that these gentlemen were not put into the commission of the peace as a reward for political services. And he begged to tell him that though some of these gentlemen were Conservatives, and one or two did canvass with him, they did not take any active part in the election for the county. The hon. Gentleman had brought forward the name of the Rev. Mr. Stopford, and had alleged that his was a very improper appointment. He believed that some charge was brought against that gentleman at the assizes, but whatever the decision was, there was nothing to affect his personal character, or make him unfit to be in the commission of the peace. So far from that rev. gentleman taking any active part in the election of the county, he did nothing beyond giving his vote for his hon. Friend and colleague. Although he was the agent of a large estate belonging to his brother, he would not influence any of the tenants, and the majority voted for the Liberal candidate. With respect to Mr. Spurling, what he stated was, that his father, who was since dead, and whom he had succeeded in the estates, was the owner of large property in the county; that he was a clergyman, and that he took a very active part in the election, not for the Conservatives, but for the Liberals. With regard to Mr. Shafto, he (Mr. Fellowes) certainly knew him as a strong political opponent, but he did not believe that he had been passed over on that account. He did not know how the hon. Gentleman was acquainted with the fact that Lord Sandwich had refused to appoint three gentlemen to the commission of the peace because they were Liberals, unless the hon. Member had had private communication with the noble Lord upon the subject. He believed that the hon.

Gentleman was entirely in error upon this point. He did not know the object of the hon. Gentleman in making these charges; but, if they had been made for political purposes, he begged to tell him that the noble Lord against whom he had directed them stood too high in the esteem and respect of those who were acquainted with him, and that nothing which fell from the hon. Gentleman would damage his character in the slightest degree.

Mr. HUNT said, he hoped the House would allow him one word in defence of a personal friend, Mr. Stopford. As a proof of the high esteem in which that rev. gentleman was held, he might state that he had lately been appointed by the University of Oxford one of its proctors.

SUMMARY COMMITMENTS.

QUESTION.

Mr. DRUMMOND said, he would beg to ask the Secretary of State for the Home Department, whether he has considered the complaint addressed to him by the Visiting Magistrates of the House of Correction at Wandsworth respecting the committal to their charge of old convicts from the Police Offices in London for short periods, instead of such convicts being committed for trial at the Old Bailey, and whether he proposes to take any steps to remedy the evil?

Mr. HARDY said, with reference to the subject which was brought before the House by the hon. Member for West Surrey, it was not confined to this metropolis nor to the House of Correction, to which he alluded. There had been, he was sorry to say, a too general misinterpretation of a clause in the Criminal Justice Act which led to a great deal of abuse. The Act was intended to empower magistrates to deal summarily with cases of petty larceny or first offences; but it was applied by some magistrates to persons who had been previously convicted, not two or three, but many times. The magistrates committed these offenders sometimes for six months, sometimes for three months, always for short periods, so that there was no power of bringing reformatory influences to bear upon them. There were other persons besides who, for petty offences, were sent to prison fifty or sixty times over for a week or ten days at a time; and the moment they were let out they began their vicious habits again. With respect to the intentions of the Secretary of State, he

might inform the hon. Gentleman that his right hon. Friend proposed to address a letter to the police magistrates to ascertain the course they pursued. By giving publicity to that letter they hoped to call the attention of the Magistrates of counties to the misinterpretation of the Act in question. If it was not possible to correct the evil otherwise, it would be necessary to proceed by way of legislation.

CONCENTRATION OF THE LAW COURTS.

QUESTION.

Mr. BERESFORD HOPE said, I rise, Sir, to put a question to the First Commissioner of Works relative to a subject of great public interest. I do not put the question with any artistic view, but as a simple one of convenience, I might almost say of necessity, to what will be admitted to be an influential, and is certainly an important class of society—I mean the legal profession of England. I think every one who has had anything to do in the course of his experience with our courts of law must be aware of the great inconvenience that arises from their present dispersed situations. Some of them are located in Lincoln's Inn, some here, and some at Guildhall; so that Judges and lawyers, solicitors and their clerks, are left scouring about the town all day long in cabs and broughams to their great inconvenience and expense. It may be in the knowledge of the House that a scheme has been for some time before the world for the concentration of our law courts on a space of ground nearly seven acres in extent near all the Inns of Court, and affording full accommodation for all the courts of law and equity beteen Carey Street and the Strand. That scheme has met with the strongest recommendation from the highest authorities in the law—from the solicitors and proctors in their Incorporated Society, whose petition, in favour of the scheme, I had the honour to lay on the table of this House, and from the Society for the Amendment of the Law, which is under the presidency of Lord Brougham, and which is represented by some of our most eminent barristers—all are exerting themselves in its favour.. It seems also that there is a sum of money forthcoming for this purpose derived from a fund known as the Suitors' Fee Fund, which would be available, at least to a certain amount, for the purposes of this undertaking. For my own part, I had thought that this fund would be available as far as it would go for the whole purposes of the building; but on account of some technical objection—the nature of which I do not pretend to understand—an opinion has been given that it is only available as far as respects the courts of equity. But as far as the courts of equity are concerned, it certainly would be available; that is to say, for so much of the new site and of the new building as would belong to the courts of equity the money might be available, and might be thus applied to the purpose of the concentration of the courts of law. But another scheme has also been set forth under high patronage which purposes to rebuild the courts of equity within the premises of a private institution; no doubt a most powerful, a most influential, and a most privileged corporation—but still only a private corporation — I mean the Society at Lincolns' Inn. It is proposed to rebuild the courts of equity within the precincts of Lincolns' Inn, of such a size and with such a solidity, as to render the future concentration of the courts of law and equity impossible. All the advantages that are to be derived from direct concentration, and from having a common place of meeting for the two Bars—that creation of a common feeling of common rules of action, of common principles of conduct, which nothing but a concentration of the different courts under the same building will ever effect, would thus be for ever rendered impracticable. There would not be a mere diminution of a portion of the benefit, but so far as the benfits of amalgamation are concerned they would, I repeat, be thus rendered impossible for all time to come. I trust, therefore, the House will not speedily consent to anything which would frustrate an amelioration so important and so easily to be attained as the concentration of the courts of law and equity. The question I have to put to my noble Friend is, whether the Government has any intention to take steps to concentrate the courts of law and equity in pursuance of the recommendations of the Incorporated Law Society, and of the Law Amendment Society; and if they are not now prepared to take any steps of that kind, I trust the noble Lord will give us the assurance that at least a fair and full investigation will be granted, and that they will not allow themselves to be led to adopt in the dark any course which would render impracticable a scheme, the benefits of which are so apparent; that some full inquiry will be granted—I trust by a Committee of this House—and that the advantages and disadvantages of the scheme may thus be brought fairly before the public.

LORD JOHN MANNERS said, in answer to my hon. Friend I have to say that every one must admit the inconvenience of the present situation of the courts of law, and that a scheme of concentration, if it could be carried out, would be a great boon to the legal profession. But my hon. Friend must be aware, that though the Incorporated Law Society and the Law Amendment Society have recommended that the Government should concentrate the courts of law and equity, and have pointed out the means by which, in their opinion, such a concentration could be accomplished; yet a great number of persons of the highest eminence in the profession are of opinion, in the first place, that the funds to which my hon. Friend has referred could not be realized, and in the next place, that if they could, they are not properly applicable to the building of courts of common and civil law. Under these circumstances, I may tell my hon. Friend that the present Government are not prepared to take any immediate steps in the matter. With respect to the other part of my hon. Friend's question, I am willing to admit that the two points I have mentioned may very properly be made the subject of investigation, and the only question is whether that investigation shall take place by means of a Select Committee or by a Royal Commission. I am not prepared, at present, to tell my hon.Friend which of these courses will be adopted, but I will communicate it to the House as soon as the Government shall have decided which is most advisable.

THE INDIAN ARTILLERY.

QUESTION.

GENERAL SIR DE LACY EVANS said, he understood that certain correspondence had been going on with reference to the Indian Artillery, and he wished to know when that correspondence would be laid before the House.

THE REFORM BILL.
THE OUDE PACIFICATION.

OBSERVATIONS.

LORD JOHN RUSSELL:—Before this debate goes further, I wish to make some remarks in reference to what has fallen from the hon. Members for Sheffield (Mr.

Roebuck) and for Finsbury (Mr. Cox). I hope they will understand it was from no want of courtesy to them I did not immediately rise to answer their questions. But it appeared to me that their questions involved a discussion with respect to the merits of a Bill now before the House, and with respect to an Amendment of which I have given notice on the second reading of that Bill, which at this time would be in the first place completely out of order, and in the next place I do not feel myself called upon to enter into the discussion of a question now which we must discuss at any rate on Monday next. I shall still more refrain from entering into the question whether, in the event of that resolution being carried, Her Majesty's Ministers will take the step of advising Her Majesty to dissolve the present Parliament. That is a very grave and important step, and one which might be attended with the hazards to which the hon. Gentleman has alluded; but at all events it is not upon a Motion for the adjournment of the House from the Friday to the Monday that so important a subject ought to be discussed. I can, therefore, only say at present, in answer to my hon. Friend, and to the hon. Gentleman the Member for Finsbury, that in my humble opinion the Government have taken a right course in proposing a Bill in this House upon the subject of the representation of the people; and I trust that on Monday I shall be able to satisfy the House that I have not been wrong in proposing a form of Resolution as an Amendment to the Motion that the Bill be read a second time. With regard to the other statement of the hon. Member for Finsbury, I can assure him that I shall never shrink from the question of the ballot. Whenever that question may be brought forward I shall be ready to give my vote in this House, and, if necessary, I shall be ready to address the House upon the subject. But I think the hon. Gentleman must perceive, upon reflection, that it would be unbecoming in me to bargain for support, by the announcement of any policy at variance with the convictions which I honestly entertain. That is a course which I shall never pursue for any object upon earth. Having thus noticed the two speeches that have been made upon this important subject, I shall now pass on to the question of which I have given notice to the noble Lord the Secretary for India. It appears from all the accounts which we receive—and very gratifying accounts, indeed, they are—that the pacification of Oude has been effected—that the only large body of the mutineers that remains has gone into the kingdom of Nepaul, and that, generally speaking, the revolt has been suppressed throughout India. Under these circumstances I wish to know whether it is the intention of the Government to ask this House to pass a Vote of Thanks to the Governor General of India, to the distinguished general who is in command of the troops in that country, and to the other officers, civil and military, who have assisted him in the arduous operations which have led to that great and glorious achievement. I will say fairly that I should have left it entirely to the discretion of Her Majesty's Government to name the time when they should think fit to propose that Vote of Thanks, were it not for certain papers which have lately been laid on the table of the House. Those papers I hold in my hand, and they contain copies of the answer of the Governor General to the secret despatch of the Court of Directors, and of the despatch of the noble Lord dated the 9th of December. Now, I am not going in any way to revive the question of the wisdom of the Proclamation which was issued by Viscount Canning. I will admit, if you like, all that the Government say upon that subject. I will admit for the sake of argument that it was unwise to issue that Proclamation. That is not my opinion; but I will admit it for the purpose of the statement I have to make. I own it appears to me that after that matter was settled, after the Government had stated the opinion which they entertained with respect to it, and after Viscount Canning had in a very able despatch shown at least that he had reasons for his conduct, it would have been just to a man placed in the anxious position of Governor General of India during one of the most trying emergencies that ever arose in any country and charged with an immense responsibility, proposing at one time measures that did not meet with the approbation of the Government at home, and at another time directing a military operation which was not in conformity with the judgment of Lord Clyde—I say that it would have been right to a man in that position to have pursued one or other of two courses—either to say that his judgment was erroneous, that he was unfit to carry on the Government of India in that great emergency, and to appoint some other person in his place, or else to treat him with confidence, and to show by the terms in which you addressed him that that confidence was not given in a niggard or a stinted spirit. I read with wonder, and I may say with indignation, that despatch of the 9th of December, which appeared to me, by its cold and sneering tone, to imply and to convey a distrust which Her Majesty's Ministers did not think fit, for some reason or another, openly to express. I therefore feel it my duty to ask Her Majesty's Government whether it is their intention to do justice to Viscount Canning for services, which I think were never surpassed by any Governor of India, in the suppression of that revolt. I shall be happy to find that I have been mistaken in the supposition I have formed upon the subject, and that it is the intention of Her Majesty's Government to propose a vote of thanks to the Governor General, to Lord Clyde, and to various other officers whom I need not name, but who have greatly distinguished themselves in that service. As to Lord Clyde, no one, I suppose, has the least doubt or difficulty. Never did a man in a difficult military position act with greater vigour, with greater decision, and with greater judgment, and I hope he will be spared to return home in health, and to enjoy the rewards he has so justly earned at the hands of his Sovereign.

MR. KINNAIRD said, that as the noble Lord (Lord Stanley) could not speak twice on the Motion he might be permitted to remark that now the dreadful events of the mutiny were over, there was a general expectation that some distinguished mark of merit would be given to Sir John Lawrence, The late Government of India actually made a provision for any honour that might be conferred on that distinguished man, for they gave him a pension, and there would be a general feeling of disappointment if the man who was considered the saviour of India had not some mark of favour from the Crown bestowed on him.

LORD STANLEY: Sir, In reference to the question which has been put by the hon. Gentleman who has just sat down, I wish to assure him and the House that the Government fully recognize the great services which have been rendered by Sir John Lawrence; but I cannot altogether admit that which, if not stated, was at least implied in the speech of the hon. Member —that no recognition of those services has already taken place. I do not speak of the promotion of Sir John Lawrence to the rank of Lieutenant Governor — a rank which has been held by him for only a very brief period of time. But I must observe that he received the thanks of this House, a baronetcy, the Grand Cross of the Bath, and a pension of £2,000 a year, in addition to any pension to which he may be entitled as a retired member of the Civil Service; and that he can hold, if he pleases, a seat for life in the Council of India. But I hope that his active career is not yet closed ; and if his health should be restored, no doubt some future Minister for India will be anxious to avail himself again of his services in that country. I cannot, therefore, admit that his services, great as they are, have hitherto gone unrewarded. Now with regard to the question of the noble Lord the Member for London, I have to state that it is the intention of Her Majesty's Government to propose a vote of thanks to those who, whether in a civil or in a military capacity, have taken a prominant part in the pacification of India. In that vote undoubtedly both the Governor General and Lord Clyde will be included. The reason, and the only reason, why that vote was not proposed at the beginning of the Session, was that at that time the pacification, although obviously near its accomplishment, was not completed; and we were anxious to have an opportunity of including in that vote the authors of any exploit which might still be performed, and which might seem to us to deserve the approbation of this House. I must add, that if it is inconvenient, as the noble Lord states, to discuss the question of Reform on the Motion for the adjournment of the House, it is not less so to take that opportunity of discussing a question which was so fully debated last year—namely, the policy of the Indian Government in regard of Oude. At the proper time, and when a full opportunity is afforded me, I shall be ready to vindicate the course which has been taken by Her Majesty's Government upon that question. I am not surprised that some political considerations which were adverted to this evening should have recalled to the mind of the noble Lord the circumstances which attended the debate of last year. I feel confident that if ever that debate should be resumed in this House it would be attended with the same result. But with regard to the general policy of Lord Canning, apart from that particular transaction, I do not think the noble Lord himself would speak in terms of stronger approval than I have done, not merely of late, but at the time when it was formerly under discussion in this House. A question has been put to me by the hon. and gallant General the Member for Westminster on the subject of the Indian Artillery; but as he did not give me notice of that question I have not had an opportunity of ascertaining when all the papers will be ready. I shall, however, make inquiry into the matter, and I shall afterwards be ready to communicate to him any information which I may obtain.

VISCOUNT PALMERSTON:—Sir, I have only one word to say upon that which has fallen from the noble Lord with regard to the observations of my noble Friend the Member for the City of London. My noble Friend did not revert to the debate of last year. My noble Friend did not advert to the policy of Her Majesty's Government with regard to India; but my noble Friend did make observations upon that which I think must have struck with pain the mind of every man who has read that despatch. My noble Friend did make observations upon the taste—upon the feeling—I will say no more—of that reply which the noble Lord opposite thought it consistent with his duty to write to Viscount Canning in answer to that noble Lord's despatch. I cannot permit the noble Lord to escape from those remarks which my noble Friend so appropriately made, by endeavouring to revert to the discussion of last year, and to impute to my noble Friend an intention which the language of my noble Friend showed could not have been in his mind. I deeply regret that the noble Lord should have thought right, in his position as a Minister of the Crown, to have written a sneering, taunting, and ironical despatch in reply to Viscount Canning—in answer to explanations which every man must have read with admiration. I say nothing as to the concealment of these despatches for the many months during which they lay in the office of the noble Lord. At last they have come out, and I am persuaded that no man who has read them can help feeling sentiments very different from those expressed in the reply of the noble Lord.

FOREIGN OFFICE MESSENGERS.

QUESTION.

MR. WISE said, he rose to ask the Under Secretary for Foreign Affairs how the £40,000 voted in the Estimates for the Foreign Office Messengers are disposed of; what is the tenure of the office of Queen's Foreign Service Messenger; and what are the regulations which have been recently made with reference to the remuneration of that corps? The total amount voted for the payment of Foreign Office Messengers was £47,000, and as it was stated that no less than 60,000 despatches or enclosures were sent out every year from the Foreign Office a heavy charge under this head of expenditure was unavoidable. The present mode of paying their messengers was very objectionable. The messengers were gentlemen, many of whom had been in the army, who had abandoned their respective professions to embark in the service of the State, and who were required to discharge duties of the most arduous description. They travelled, on the average, from 30,000 to 40,000 miles a year, by day and by night, in all weathers, and they were liable at any moment to be despatched on service. They were consequently exposed to constant wear and tear of body, if not of mind, and he thought they were entitled to the consideration of the Government and of Parliament. The great object was to obtain efficient servants, and when that object was gained they ought to be fully and amply compensated for their services. He believed it would not be denied that the gentlemen to whom he was referring had discharged their duties most faithfully and zealously, and he put it to the House whether it was just that old and deserving men, some of whom had been thirty-five years in the public service, should have their incomes at once reduced from £500 to £200 or £300 a year. The salaries of our ambassadors, our consuls-general, and our consuls had been increased, and it appeared to him somewhat hard that the incomes of these worthy and intelligent officers should be the only salaries to be reduced. He might be asked upon what tenure these gentlemen held their offices. It appeared to him that their appointments were specifically life appointments. In 1824 they were assured that their clear incomes should never be less than £400 a year, and at the same time certain rights and privileges were conferred upon them. In the Finance Committee of 1848 these gentlemen were spoken of as possessing vested interests, and as forming a sort of corporation; but, on the score of economy, he presumed, an alteration had been made in their incomes, which he believed would be as injurious to the public service as it was unjust to these meritorious servants. The average income of Foreign Office messengers had been £800 a year, and their expenses were £270, leaving a clear income of £530. Under the old system, the more work these officers performed, the more pay they received; but under the new plan that incentive to zeal and exertion had been removed. It must be remembered that these gentlemen were engaged in a service in which there was no promotion, and that they were exposed to numerous casualties of various kinds. As an instance of this, he might mention that last year no less than twelve wrecks occurred among the steamers of the *Messageries Impériales*, by which these messengers were constantly travelling in the discharge of their duties. It was a mistake to suppose that the cost of living abroad was but trifling. In some countries the cost had recently risen 25 per cent, and in others between 40 and 50 per cent. He assumed that it was not too much to expect that the expenditure of a man in the position of a Queen's messenger would be at least £1 1*s*. a day; and any hon. Gentleman who had been to St. Petersburgh or Constantinople would know how expensive those places were. Yet the Foreign Office messengers were expected to spend not more than from 16 francs to 18 francs a day. Very often these messengers were placed in a position where they required to spend a considerable amount of money. They were obliged to go to the most expensive hotels, and to pay whatever was demanded of them. He himself knew an instance in the East, where it was the practice to charge each traveller so much per bed per diem, which included the cost of his entire maintenance. The effect of this regulation was, that a Queen's messenger on one occasion finding it impossible to get a single-bedded room, was put into one with two beds, and had to pay 30 francs per day instead of 15. It struck him that the present arrangement for the payment of the messengers was unjust in its operation to individuals, and injurious to the public service. Besides, the Queen's foreign service messengers had other burdens to pay of which the House might not be aware. It was true they were released from the payment of £20 a year to the superannuation fund, and he might remark, parenthetically, that according to the book of Mr. Cavendish, an instance occurred in which a messenger had paid no less a sum than £700 to that fund, for which he derived no advantage whatever beyond that now proposed to be given. But, in addition to this, each foreign messenger had to pay a fee of six guineas per annum to some clerk in the Foreign Office for auditing his accounts. He would ask the House whether this was a desirable system to be continued, or whether it was necessary that a sum of between £3,000 and £5,000 a year should be paid to the clerks in the Foreign Office for "agency," which really meant nothing more than receiving the cheques of persons engaged in the foreign service, forwarding the amount, and taking charge of their letters. This agency charge appeared to be quite unnecessary. But, in addition, each consul, upon his appointment, had to pay to some gentleman a fee of five guineas, and each consul-general a fee of ten guineas per annum. Another circumstance in the case was, he thought, not undeserving of consideration in estimating the remuneration to be paid to Foreign Office messengers, and that was, that they had often to carry packages more adapted for Pickford's vans than anything else. He had heard of one instance in which, when a bulky despatch was opened, it was found to contain a tea-kettle, and another in which three or four pots of caviare having been pushed into the bag, in the course of the journey they burst, and the despatches were rendered illegible in consequence of being smeared all over with the dark condiment. Some had gone so far as to send bottles of wine to their friends in the despatch boxes. The most crying injustice, however, under which they suffered was the small amount of their remuneration. The public did not believe that economy was promoted by injustice; it wished to see efficient men employed, and that they should be well paid. The new arrangement tended to discourage the foreign messengers, as they were required to pay their expenses out of their own pockets; the more frequently a messenger was sent abroad the worse off he would be. They should give a fair compensation to the older messengers, and begin the new system with those who were appointed since 1859; to apply the new system to those who had been many years employed created dissatisfaction, and must be injurious to the public service. It would be better to give a lower salary, and allowances while abroad. What he would suggest was, that there should be a fixed salary of £400 a year; a retiring allowance of £150; and that when the messenger was on a journey he should be allowed his expenses at the rate of £1 1*s*. per day.

If the Foreign Office modified the new arrangement in that way he was sure the House would defray the expense.

Mr. SEYMOUR FITZGERALD said, he was sorry it would not be in his power to meet the views of the hon. Gentleman the Member for Stafford, who, it should be borne in mind, had on many occasions complained of the expenditure of the Foreign Office Department. He was not now prepared to follow the hon. Gentleman in the observations he had made; he should confine himself to shortly answering the questions he had asked, but on Monday or Tuesday he should place upon the table papers which would entirely explain and amply justify the course which Government had taken on the subject. The hon. Gentleman first asked how the £40,000 a year voted for the expenses of Government messengers was disposed of. In answer to that, he (Mr. Seymour FitzGerald) would remind him that £35,000 of that sum was expended in providing for the expenses of messengers and couriers for the Foreign Office and Home Office, and for telegraphs —the expenses for the last item having very much increased within the last two or three years. There was also a deficiency in the sums voted for that purpose in the year 1857 and 1858, and a portion of the £40,000 had been applied to that purpose. But with regard to one part of the expenses, which had been very large —that of messengers to St. Petersburgh and Constantinople—by the improvements introduced by his noble Friend (the Earl of Malmesbury), a very considerable saving— £10,000 or £12,000 a year—would be effected. The second question asked by the hon. Gentleman was as to what was the tenure of office of those messengers. The Queen's messengers held their office during good behaviour, and under a warrant signed by the Secretary of State for Foreign Affairs. Their salaries were necessarily of a very fluctuating nature, and hitherto in case of illness they received scarcely any salary; but under the new system of his noble Friend they would have a fixed salary of £525 a year each, in addition to which they would be allowed expenses for boat hire, coach hire, railway expenses, and other items. He should not now enter further into the question; he would only say that when the papers to which he had referred were laid upon the table, the House would see that the arrangements made were not unfair nor unjust.

THAMES CONSERVANCY BOARD.

QUESTION.

Mr. Alderman SALOMONS said, he wished to ask the Vice-President of the Board of Trade whether he has received information from the Conservancy Board of the River Thames as to the removal of the Harbour Master's office from the river side at East Greenwich to an office at Tower Hill, and, if so, on what grounds of public convenience such removal has been determined?

Lord LOVAINE replied, that there was no communication between the Board of Trade and the Thames Conservancy Board; but he understood that the Harbour Master's Office at Greenwich had not yet been abolished, but that part of the duties had been transferred to the office at Tower Hill, where the orders for the colliers lying in the river between Blackwall and Gravesend were now issued to the owners or consignees, who themselves forwarded them to the vessels, thus saving time and expense.

DECIMAL CURRENCY.

QUESTION.

Mr. BEAMISH said, he would beg to ask Mr. Chancellor of the Exchequer when the Report of the Royal Commissioners on Decimal Currency, who were appointed in 1855, may be expected to be laid on the table?

The CHANCELLOR of the EXCHEQUER said, he regretted that the Report of the Commissioners had not yet been laid on the table. Indeed, he could not help expressing his surprise, as well as his regret, that it had been so long delayed. The Commisioners were Lord Monteagle, Mr. Hubbard, and Lord Overstone. Having seen Lord Overstone, he knew that his Report was ready. He hoped that fact would induce the other Commissioners to hasten theirs, so that a measure on the subject might be introduced as early as possible.

CHICHESTER HARBOUR.

QUESTION.

General CODRINGTON said, he wished to ask the Secretary to the Admiralty whether the public objection of the Admiralty to the embankment of Chichester Harbour, as notified to this House on 14th February last, has been removed; if so, on what grounds; and whether he can lay on the Table of the House the written consent of the Board?

MR. CORRY replied that the Admiralty as conservators of all navigable waters entertained the strongest objection to the proposal, and that they intended to offer to it their decided opposition.

CASE OF MR. BARBER.—QUESTION.

MR. BRADY said, he rose to ask the Secretary to the Treasury what is the intention of the Government to do in reference to the Report of the Select Committee on the Petition of Mr. William Henry Barber.

SIR STAFFORD NORTHCOTE said, the case of Mr. Barber had been under the consideration of the Government for some time, and no little difficulty had been experienced in deciding how to deal with it. On the one hand, a precedent ought not to be laid down which might operate injuriously in other cases of an analogous nature ; and, on the other hand, this particular case was, to a certain degree, taken out of the ordinary category by the fact that it had been investigated by a Select Committee of that House, who had unanimously recommended it to the special consideration of the Government. The various propositions that had been brought forward had received the attention of the Government, which had felt that the only unobjectionable mode of proceeding would be to give some recognition of the sufferings which Mr. Barber had certainly undergone. This would be attained by a grant of public money to Mr. Barber ; and accordingly in the Estimates for the coming year such a sum would be included as, without pretending to compensate him for what he had endured, would still be an acknowledgment on the part of Parliament and the country that he had suffered considerably, and was, therefore, entitled to some consideration of this nature.

SUPERANNUATION BILL.

COMMITTEE.

Order for Committee read.

SIR STAFFORD NORTHCOTE, in moving that the House resolve itself into Committee on this Bill, said he thought it would save time if he gave some explanations as to its provisions. The measure had excited considerable interest in the country, and every time he came down to the House he had five or six hon. Members inquiring as to some point in the Bill while the petitions which had been presented in reference to it were very numerous, having last week been five times as many as those on the subject of the Reform Bill. Some of the principles of the Bill were not very clearly understood. The Superannuation Act of 1834, which the present measure was proposed to amend, laid down a scale of retiring allowances to be granted to officers belonging to the departments named in the schedule attached to that Act; and it provided that the Treasury should have power to bring within the scope of that statute any department not included in the schedule. Acting on this authority the Treasury had placed several new departments within the operation of the Act. But the Act of 1834 also contained a clause requiring all officers who were to be entitled to its advantages to pay an abatement from their salaries of 5 per cent and 2½ per cent according to their class towards the expense of their own superannuation. Accordingly, when any public office was brought under the provisions of this statute, the *employés* were made liable to these deductions at the same time that they were permitted to receive the benefits of the measure. Therefore some hesitation was felt on the part of particular departments to placing themselves under the Act ; and various important offices continued to be omitted from its operation for a considerable period, and no abatements were paid by their officers. When these persons retired the question arose whether they ought to receive any pension, and though, by the strict terms of the statute they were entitled to none, yet it was felt that it would be hard to deprive of any compensation men who had long served the public long and faithfully. Thus there grew up an irregular practice of granting superannuations to those who had no legal claim to them, and the whole system fell into no little confusion. The subject of abatements also attracted a large amount of attention from the Civil Service a few years ago. The question was taken up by hon. Members and by the newspapers, and the result was that the right hon. Member for Radnor (Sir George Lewis) brought in a Bill which was referred to a Select Committee of that House, who considered the matter and introduced several Amendments which were not accepted by the House. The Bill consequently did not pass, and the matter was then referred to a Royal Commission, upon whose recommendations the Bill brought last Session by the late Government and the present Bill were substantially founded. The main point on which the present Bill differed from the former Act was that the Act of 1834 gave superannuation allowances to those officers only who were comprehended within its schedule; whereas this Bill would extend them to all persons belonging to the public service. The abatements having been abolished, the ground of the distinction between one class of civil servants and another was swept away with them. The principle of this Bill was, that all officers belonging to the permanent Civil Service of the State should be entitled to superannuation, except those who were expressly provided for by Act of Parliament, as was the case with certain judicial and other functionaries. As the measure now stood, it proposed also to except all persons whose superannuation was provided for by Order in Council; but he had given notice of his intention to strike out the words "or Order in Council," which applied especially to the workmen in our dockyards. As to the workmen in dockyards, there were such varieties of them that the common phrase "workmen in dockyards" did not convey with sufficient clearness the meaning as to the persons thus designated. There were some who were and always had been entitled to superannuation under the old Act, and another class would be entitled to it under the Act of 1834; then there was the class affected by the scale of fortieths, and again the class of workmen paid superannuation allowances of £10, £24, and £30, according to the length of their services. With respect to these persons it was proposed to discontinue dealing with them under the Order in Council, to treat them as officers, and to grant them superannuation allowances. There was another class who, though permanently employed, had not been considered entitled to pensions, and who, if they fulfilled the requirements of the Bill, would be entitled, like all others permanently employed in the Civil Service, to the same scale of pensions. At that point he thought they must stop. There were other classes of persons employed in the dockyards, but they were not in the position of permanent servants, and it would not be acting in the spirit of the Bill to grant them superannuation allowances. There were other classes of officers whose cases had been specially brought forward. For instance, there were those employed in the Post Office, and probably there could not be a stronger case for showing the mischiefs under the system of 1834 than this. By looking at the schedules of the Act of 1834 they would find that among the offices included in it was the Post Office; but the construction which, in practice had been put upon the Act was, that the right to superannuation was confined to the persons employed in the metropolitan Post Offices, while those who were in the country, although it might be at Manchester, Liverpool, or Birmingham, where the work was quite as heavy as at Dublin or Edinburgh, had no claim to it. Letter-carriers in London, too, received superannuation allowances; while those throughout the country, although equally in the service of the State, had no such advantage. The principle which would be applied to these classes of persons under this Bill was precisely the same as that according to which the dockyard labourers were to be dealt with. That was to say that all persons who were permanently employed in the service of the Post Office in such capacities as rendered it necessary for them to give up all other business and devote themselves wholly to the service of the State would receive superannuation allowances, and would receive them exactly upon the same principle and according to the same scale as clerks in the London Post Offices, or in any other department. As under this principle it would be necessary to exclude from the benefits of the Act all those persons who were only temporarily or partially employed, such as country postmasters who were also the keepers of shops, he had communicated with the Postmaster General upon the subject, and had received from him a letter in which he distinguished between the different classes of officers who were and who were not required to give up their employments. It was intended that, if this Bill passed, a minute should be founded upon that letter, which would accurately define the cases in which superannuation allowances would be paid. Another condition necessary to entitle persons to such allowances was that they should be paid out of Imperial funds; and therefore all persons paid out of county rates—such as prison, workhouse, and other Poor Law officers—would be excluded from the benefit of this Act. It might be very proper that there should be legislation in order to provide for the superannuation of those persons; but these cases could not be dealt with by this measure. The Bill would not apply to persons who were paid by fees. Such persons were not entitled to superannuation, because the principle upon which that system rested was that in fixing a man's remuneration you considered how much he ought to have by way of salary, and how much by way of retiring allowance. And the difficulty with regard to persons paid by fees was that, although they were employed in the service of the State, and were, to a considerable extent, under its control, they generally held their offices partly at the will of other persons, and might be dismissed by them. Such was the case with regard to procurators fiscal in Scotland, and Judges' clerks in England, the former of whom held their offices at the pleasure of the sheriffs of counties, and the latter at that of the Judges. To give superannuation allowances in such cases would be opening the door to great abuses. He must apologise to the House for entering into such minute details, but he was speaking as much for the country as the House—there being such a nûmber of persons who were anxious to know how they would be affected by the Bill. He had said enough, however, to show the main principle on which they proposed to define who were civil servants. He would now refer to another point of great interest. Some evenings ago a question was put to him by the hon. Baronet the Member for Evesham as to what increase of expense would be caused by the provisions of this Bill. He was sorry to say that that must be so much a matter of conjecture that he felt it quite impossible to make any satisfactory statement with regard to it. There were three ways in which the expense of superannuations would be affected by the passing of this Bill. In the first place, there was the adoption of a new scale. The present scale was what was called a "jumping" one; it went by periods of seven years. That provided by this Bill was a "sliding" scale, advancing year by year by 60ths. It stopped at the same *maximum* as at present existed—namely, two-thirds, or 40-60ths, of the salary; but under it a man would arrive somewhat earlier at his *maximum* allowance than he did at present. The scale was, however, so arranged that while it gave an advantage to those who had served long periods it diminished the allowances of those who had been engaged in the service of the State for shorter ones. He might say generally that up to his 24th year of service a man would receive more according to the scale of 1834 than according to this; while after that period of his service the case would be reversed. In order, therefore, to determine how much the expense of superannuations would be increased by this Bill it was necessary to calculate after what periods of service civil servants were likely to retire. This could not well be settled by taking the average period after which they retired at present, because those who were now withdrawing from the public service generally received allowances according to the scale which was in force up to the year 1829, which was a more favourable one than that established by the Act of 1834. He therefore thought that, to ascertain the average rate at which persons retired now, and to make that the basis of calculation, would be an erroneous way of proceeding. But he might say generally that if the proposed scale were to apply to exactly the same class of persons as were included in the Act of 1834, and to them only, the difference in point of expense would be slight. The proposed scale, indeed, was in many respects better and more economical for the public than the existing one, because it would tend to discourage persons from leaving the public employment after a short period of service. There was another way in which the Bill might add to the expense of superannuation, and that was by bringing new classes of officers under the provisions of the Act. There again, however, he found it exceedingly difficult to come to any kind of conclusion. Upon being asked what classes and what number of officers would be brought under the Bill, the different departments replied by inquiring to what classes the Bill was intended to apply, and a difficulty arose as to who were and who were not to be included under the term "permanent civil servants of the State." He had been for some time engaged in discussing the question with representatives of the different Departments, but he was sorry to say they had not arrived at anything which could furnish a *datum* for saying what would be the addition under this head. Another difficulty was that a considerable number of officers, though not entitled to superannuation under the Act of 1834, did constantly receive pensions, and therefore to bring them under the provisions of the present Bill would not really increase the expense. There were only two or three great departments in which an increase by the addition of new classes of persons could take place, and it appeared from returns obtained from the Customs, which was one of them, that of the 2,000 officers belonging to that department whom the present Bill would include in the superannuation system, a large proportion were persons who had been placed upon the permanent establishment after some years of temporary service, and who would therefore be entitled under the existing system to superannuation of one kind or another. The same was the case with regard to a considerable number of the dockyard people, and in point of fact the only department in which a great number of entirely new persons would be added was the Post Office. According to the original estimate of the Postmaster General, there were about 8,000 officers in that department who would be included under the Bill; but upon closer inquiry he had ascertained that a large number of those persons would not come under the definition of "Permanent Civil Servants of the State." There would also be a large addition from the dockyards, but not so large as might at first sight appear, because a considerable number of the dockyard officers who would nominally be now included for the first time, already received pensions. But there was a third way in which the Bill would, to some small extent, add to the expense by adding to the number of civil servants entitled to superannuation. One of the clauses gave permission to officers to retire at the age of sixty, and another made it compulsory so to retire at the age of sixty-five, unless they were specially asked to stay as being efficient servants. Upon inquiring at the different departments what number of officers would be required to resign on account of age, he was met by the same kind of counter-question instead of answer—namely, what classes of persons were intended to come under the provisions of the Bill. However, he had very recently been informed that the number would not exceed 190 or 200, although the Civil Service Commissioners, in returns presented some time ago, put it at 300. But the result of all their inquiries had convinced the Government of the necessity of limiting the operation of the Bill, and of laying down some more stringent rule than was afforded by the words "Permanent Civil Service of the State." They now thought it desirable that the new system of superannuation should not apply to any persons but those who were really *bonâ fide* civil servants, and were passed as such by the Civil Service Commissioners. He therefore intended to move the insertion of a clause, stating who were to be deemed civil servants. No person was to be deemed a civil servant unless he either held his appointment directly from the Crown, or was admitted with a certificate from the Commissioners. The condition of the Civil Service had occupied the serious attention of successive Governments, and, among other measures taken to improve it, a Commission had been appointed, the duties of which had been discharged with great ability by Sir Edward Ryan and Sir John Lefevre, the mere mention of whose names was a sufficient guarantee for the manner in which they had performed the office allotted to them. The main object was to introduce into the service a superior class of officers to those who had been frequently admitted into subordinate appointments, and also to obtain securities for the public that men would not be appointed either at too high an age, when they would have little service in them, or in a state of health which would render it probable that after a few years they would retire or be unable to do their duty. Almost all classes of persons admitted to the junior appointments were now required to pass an examination before the Civil Service Commissioners. The question of obtaining a certificate from the Commissioners was distinct from, though connected in some degree with, that of open competition, because the system was applicable to all kinds of admissions, and included not only literary but what were equally important, medical examinations. He believed, for his own part, that by adopting a system which seemed calculated not only to procure able and efficient officers, but to ensure them fair and equitable treatment, the House would do much to allay the present uncomfortable and excited state of the civil servants, and to permanently improve the condition of the Civil Service itself; and, although his statement with respect to the possible expense of the proposed scale of superannuation might appear unsatisfactory to some hon. Members, he would entreat the House to look at this subject in a broader point of view. What the country really wanted was not to save so many pounds, shillings, and pence in the superannuation of its civil servants, but an adequate supply of good, cheerful, and willing servants, and the adoption of measures which would enable those in its employment to retire at the proper time without a feeling of hardship. It was treated as a hardship that civil servants should be required to retire at sixty-five years of age.

Before 1829 there was a scale in operation, according to which, after a certain number of years' service—fifty for instance—the civil servants were entitled to a superannuation allowance equal to their full salaries. Subsequently, the scale was altered and no man could have a superannuation allowance for more than two thirds of his salary. The consequence was that at present men were unwilling to retire, because retirement involved the loss of one-third of their income. Steps, therefore, should be taken for the retirement of those who were past work, who, not falling in with the spirit of the times, were opposed to innovations, and who stood in the way of younger men with more spirit and emulation. This was the reason for adopting an arbitrary rule that at a certain age men should retire, unless, indeed, such as, being still efficient, might fairly be asked to stay. Having spoken with those acquainted with the feelings of the civil servants, he believed that this provision of the Bill would not be considered a hardship by them generally. It might be said that this retirement at the age of sixty-five would throw a great deal of patronage into the hands of the Government, and that it might be used by those in power as a means of getting good places for themselves. But he could only say that the clause was introduced not at the instance of one Government or another, but upon the recommendation of the Royal Commission which had investigated the whole subject, and the great mass of offices were filled by the promotion of men from the junior ranks, so that there would be no opportunity in reality for anything like jobbing, for if the head of an office went, the next in succession took his place. With respect to another class of officers a case of suspicion might arise, he alluded to officers in higher situations, such as Commissioners of Customs and other more important appointments, which situations were filled by men who had not risen from the ranks, but who were taken from the outside and placed in their offices at once. Undoubtedly the men who filled these offices were generally able to continue in service beyond sixty-five years of age, as they did not involve as a necessity the requirements of too much labour and energy as the rest, and he should therefore propose an amendment to exclude all that class from retirement at sixty-five years of age, but he should require the retirement at that age of persons who entered through the Civil Service Commissioners. He should be ready to give any further explanation in Committee.

Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

SIR HENRY WILLOUGHBY said, the House was in a singular position with regard to this Bill. It was read a second time at twelve o'clock at night, when no one was present; he took an objection, grounded upon the total ignorance in which the House was as to the increase of expense the Bill would cause; but he was told that in going into Committee *pro formâ* alterations would be made, and in that form it would come before the Committee. But what had happened? It had gone into Committee *pro formâ*, and its principles had been essentially altered, and he begged leave to say that all the constitutional safeguards of legislation had been lost; there had been no opportunity of discussing the principles of the Bill on the second reading, the main feature of the superannuation clause had been altered, for it had been extended not only to salaried civil servants, but to all those whose remuneration consisted of daily pay and wages. He did not think that a fair way of opening the question, for the House had a right to pass its opinion upon the question whether, in point of expediency and expense, it was desirable to increase the number of those entitled to superannuation. He objected also to the manner in which the rights of civil servants were defined. Every civil servant ought to be able to obtain at a glance a knowledge of his position as a public servant with reference to superannuation; but as the Bill stood he would have to wade through several Acts of Parliament before he could arrive at the information, for the section alluding to the subject contained references to no less than eight Acts of Parliament. The old and new law was so huddled up together that, in fact, none but an experienced lawyer could find out what the sections meant. This speech of the hon. Baronet, clear as it was in other respects, was rather obscure as to the question of what would be the additional expense that would fall on the public by the passing of this Bill, and this was a very serious question. The amount paid already yearly for pensions and superannuations was enormous —it amounted to a million and-a-half. As an approximation towards it, he would take the Civil Service salaries at £5,339,000, and he inferred that the charge with regard to that sum imposed by the Bill would be £1,122,000 for superannuations. Add to that the £74,000 lost by abolishing the deductions from the salaries and the compensations consequent on the abolition of the Ecclesiastical Courts, and other compensations amounting towards £1,500,000. The Select Committee who sat on this question had recommended the repeal of such portions of existing Acts as provided for reductions from the salaries of the civil servants to form the superannuation fund, but they also recommended a revision of the salaries. The point he desired to impress on the House was this. Let that reduction be a by-gone thing. Let the civil servants have the benefit of it; but let the House not increase the scale of superannuation. His object was to do justice to the Civil Service, and certainly at the same time to the taxpayers. He said, therefore, by all means give them the advantage of a repeal of the tax, but adhere to the scale of 1834. He did not mean to argue for the infallibility of that scale, and if the jump every seven years were unwise, let it be altered. Let them not, however, increase the scale of superannuation. Under the Act of 1834 a person who had served thirty-eight years would be entitled to superannuation at the rate of £50 for every £100. How would the new scale work if it were adopted? Why, that every person who had served thirty-two years would be entitled to £53 for every £100, and when he had served thirty-eight years he would receive £63 for every £100. There could be no question that Parliament had wisely yielded the tax. It was too much, however, after having done that, to say that they would also increase the scale of superannuation. With regard to the number of persons who would be entitled to superannuation under the Bill, the House was at present utterly in the dark; he apprehended, however, that they would not fall short of 40,000. Indeed, now that the deduction was abolished, it was difficult to fix a limit. He begged to move as a Resolution, therefore,—

> "That all deductions from salaries, in order to form a fund for superannuations, having been abolished, it is not expedient to add to the amount of public charge by an increase in the scale of superannuation."

This was a modest and reasonable proposal, and he trusted it would receive the support of the House.

Sir Henry Willoughby

Mr. W. WILLIAMS seconded the Amendment,

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'all deductions from Salaries, in order to form a fund for Superannuations, having been abolished, it is not expedient to add to the amount of public charge by an increase in the scale of Superannuation,'"

instead thereof.

Mr. GLADSTONE said, he did not propose to enter at any length into a discussion of the provisions of this Bill. He had listened with great interest to the very clear and most ingenuous statement of his hon. Friend the Secretary for the Treasury, but at the same time it appeared to him that the Bill raised some very serious questions for the consideration of the House. In the First place his hon. Friend made a large demand on the House when as financial Secretary he exhorted them to take a broad view in this matter, and so contrived his own invitations as to apply it to this point, and asked the House to enact a system of pensions on a new basis, without knowing what classes were to be included within the provisions of the measure, and without being aware of the extent of the burden about to be added to the already heavy burdens on the public finances. He knew that it was difficult even for a Government Department to obtain exact information on this subject; but he must impress on the House the absolute duty to have the best estimate which the Government could give, and not to proceed to adopt a new system without obtaining such an estimate from the Government as at all events it must be in their power to afford. He thought he saw from some parts of the statement of his hon. Friend, that the reason why they had not given an estimate at the present moment was, not that the subject was incapable of any estimate, but the communications between the Treasury and the different departments had not yet reached a stage of maturity to enable the Government to arrive at an estimate.

Sir STAFFORD NORTHCOTE explained that what he said was, that the communications were such as to render it improbable that any estimate could be given.

Mr. GLADSTONE said, he had merely stated the inference which he drew from what the hon. Gentleman had said, that the communications between the Treasury and the various departments were not yet complete. He did not say that it was absolutely necessary to protest against going into Committee, but the case was not ripe for the House to pass finally a Bill through their hands until the communications were complete, and the calculations of the Government founded on those communications had been laid on the table. He was almost afraid that a love of uniformity had too much influenced the deliberations on the subject. The old system of pensions was founded on schedules, and the House was made clearly and distinctly aware of the nature of the steps which they were taking. This was a subject upon which it was eminently necessary the House should have full knowledge of that which they were about to do, because they were not enacting to day that which would take effect to-morrow, and of which to-morrow would give experience for correction the day after. They were enacting now that which would not take full effect for the next forty or fifty years, and they were now entering into a new set of engagements, every one of which, even if it reached over half a century or more, must be kept absolutely sacred, however onerous might be the consequences. This inherent difficulty in the case rendered it necessary that they should exhaust the means at their disposal to obtain a clear view of what they were about before they proceeded to give a final vote on this Bill. There was one illustration of his hon. Friend which confirmed his suspicions of a great tendency on the part of the hon. Gentleman to indulge in generous liberality. His hon. Friend spoke of the great anomaly which was at present exhibited in the Post-office Department, where it appeared London letter-carriers were entitled to superannuation and country letter-carriers were not, and, scandalized at this anomaly, his hon. Friend proposed to cure it by admitting he did not know how many thousand country letter-carriers to the benefits of superannuation. He did not say that the case of letter-carriers in very large towns was not strictly analogous, but he did say that there were very good reasons why a distinction should be drawn between the London and the country letter-carrier. The London letter-carrier was on his legs all day, and his duties absorbed his whole time; but in the country very often the letter-carrier spent an hour in the morning and an hour in the evening in the service of the Post Office, and was no higher in quality than a common labourer. By giving him superannuation he would be placed on a footing entirely different from that of his class, and he would receive that for which he had by no means the same claims as the letter-carrier in London. He had been struck by the form of the clause which his hon. Friend proposed to introduce for the purpose of supplying a test upon which the Government might act. He thought the hon. Gentleman could hardly ask the House to adopt the clause that evening, because at present it was quite uncertain to what classes of persons the certificate of the Civil Service Commissioners extended. The system of the Commissioners was yet in its infancy, but he fully concurred in what his hon. Friend had said with reference to the services of those distinguished men, and he thought the House and the country owed a deep debt of gratitude to Sir J. Shaw Lefevre and Sir E. Ryan for the part they had taken in organizing the system. The very ambiguity of the clause confirmed him in the impression that his hon. Friend had as yet shown no sufficient cause for departing from the old principle upon which Superannuation Acts were constructed — of scheduling in the Acts themselves the classes of officers to whom they were intended to apply. When this question was examined and it was first decided by a Committee of that House that it was desirable to remit the deductions which had been levied under Act of Parliament from the salaries of the civil servants, the Committee recommended that the salaries of civil servants should undergo a revision generally corresponding to the deductions, and only a few years previously the House had been almost upon the point of adopting a vote for a general diminution of the salaries of civil servants, entirely irrespective of any relief they were to receive by a revision of these deductions, but the deductions having been remitted the revision of salaries appeared to have been entirely forgotten. He did not make any charge against any one, and he was perhaps wrong in saying it had been forgotten, for he hoped it was still intended to carry that process into effect. But it might be said that the civil servants were very insufficiently and illiberally paid. But his hon. Friend had said that at this very hour, when the House was determining to remit these deductions, the Civil Service Commission were showing by the result of their examinations that the system of admission to the Civil Service had been extremely lax, and that no inconsiderable number of persons had been allowed to hold offices, and to receive salaries for the discharge of duties to which they were incompetent. Upon that ground, therefore, as well as upon others, he submitted that there was no case of injustice on the part of the civil service as a body. It could not be alleged, with the slightest colour of truth, that that service, as a body, was underpaid. Everything that the public had contracted to do for them had been rigorously and faithfully performed, and he asked, therefore, whether it was just to the people of England that, wholesale, without the slightest respect either to the merits of individuals or classes, or to the relations between the salary and the duty to be discharged, the House should proceed to remit the form of deductions, and to add in that manner to the public burdens, while at the same time it entirely ignored the corresponding recommendation of its Committee that with reference to this deduction a revision of the salaries should take place? He hoped to hear from the Government, first, some declaration as to the manner in which it was intended to proceed with regard to the classes of persons who ought to be included within the provisions of the Act; secondly, some promise that before the Bill was read a third time an estimate should be framed of the addition which was likely to accrue to the public expenditure; and thirdly, a statement whether it was intended that the remission of the reduction should be followed by a reconsideration of the rates of salary, or whether, on the other hand, it was meant that that remission of deductions should stand as a simple, sweeping, wholesale augmentation of the salaries of the civil service, entirely irrespective of the particular merits, duties, or features of the different cases.

Mr. W. WILLIAMS said, he thought the House ought not the proceed with the Bill in the absence of an estimate of what the probable increased charge would be. The right hon. Member for the University of Oxford had made some very proper observations, as he thought, upon the injustice of remitting the deductions without entering into the question of the salaries. There was no occupation in the country in which persons were employed so few hours per day, as in the Civil Service. They were supposed to work from ten in the morning until four in the afternoon; but a considerable portion of the morning was devoted to reading the newspaper, and talking over the events of the day. He did not know what would become of the mercantile and commercial interests of the country if they conducted their affairs in that manner. He believed it would do persons in public offices a great deal of good if they were employed for a longer period than they were at present.

Mr. WILSON said, from his own experience he could understand the difficulty which the hon. Gentleman the Secretary to the Treasury felt in attempting to form any accurate estimate of what the additional cost of these new arrangements would be. It was his (Mr. Wilson's) duty, two years since, to bring under the consideration of the House what the ultimate result of a fair superannuation measure must be; because it was perfectly obvious to the Government of that day that the remission of deductions was only a part of a series of measures which must necessarily follow. He (Mr. Wilson) then made a statement of the ultimate additional cost that would be entailed upon the country by the proposed measure, and estimated it at £100,000 for the remission of abatements, and another £100,000 for the creation of additional pensions. He did not understand that the present Bill proposed any additional scale for superannuation. The scheme of the Government, like that proposed by the Treasury of that day, acting upon the recommendations of the Committee, was this—according to the Act of 1834, the pensions were regulated by periods of seven years, and a person was entitled, at the end of ten years and under fifteen years' service, to four-fifths of his annual allowance. The result of the Bill would be to give effect to the practice which had hitherto prevailed in awarding pensions under former Acts of apportioning the pensions to the exact number of years of service. As he understood the question, the Government did not propose to increase the scale of compensation to be given. The only effect, therefore, as far as regards those who were formerly paid under the 40th scale would be to give them a Parliamentary title to their compensation, instead of the title to be derived from an Order in Council merely. With regard to Post-office servants, those only were now entitled to compensation who were in the offices at London, Dublin, and Edinburgh; but he confessed he could not see upon what principle of justice clerks employed at Liverpool, Bristol, or Glasgow, should not equally be entitled to the same privileges. Then came the question, where was the line to be drawn? Was the sore to be always open, and was the discontent among the civil servants of the Crown to become chronic? They might depend upon it that so long as one class of public servants were precluded from privileges which others with no higher claims upon the Crown enjoyed, so long would there be discontent and agitation. What, he asked, would be the condition of affairs if the whole body of civil servants were arrayed against the Crown, and what sort of discipline could be expected in such a state of things? His advice to the House, therefore, was to settle the question upon a broad principle which every one could understand, and which would be just to all. He believed that the right hon. Gentleman (Mr. Gladstone) had misunderstood the proposal of the Secretary of the Treasury. The hon. Gentleman very properly laid down this distinction, that where a person was permanently, solely, and exclusively devoted to the public service, he was a public officer, and ought to receive a pension. Therefore, in the case mentioned by the right hon. Gentleman of a Post-office runner, who was employed for an hour or two in the day, and then returned to his shoemaking or other trade, the Bill would not apply. He believed that the best way to promote content would be to establish uniformity. The whole class of persons to be included in this scheme were now in the receipt of but small salaries, but when it was said that 700 or 800 persons would be brought under the operation of the Bill, that number would not be the measure of those who would become chargeable on the country. He regretted to say that a very large portion of the public servants died or disappeared before the time for superannuation arrived. On the whole, he did not believe that the operation of the Bill would add more than 12 or 13 per cent on that which was now paid, or increase the charge more than £100,000.

COLONEL SYKES said, that although an economist, and anxious to save the public money, he was bound at the same time to be just, and therefore he should support the Bill. The higher servants of the Crown were able to provide for their old age out of their salaries, but the lower class could not do so, and if they were permanent servants it was the duty of the State to do that for them which they could not do for themselves. In the great towns the Post-office runners were upon their legs all day, and were entitled to the same consideration as the same class of public servants in London. An increase of 12 per cent in the present charge for superannuation would be, in his opinion, cheaply purchased by the goodwill and increased efficiency which would thereby be obtained.

SIR FRANCIS BARING said, he had opposed the Motion of the noble Lord now Secretary for Ireland, (Lord Naas), for getting rid of the old system of making no deductions from the salaries of public servants, and he did his best to persuade the House that it would be unwise and most expensive to adopt that step. The House, however, contrary to the opinion of the Government of the day and the Committee, was pleased to get rid of the system. The question was settled, and he had no desire to re-open it; but that was really the source and spring of the expenditure proposed by the present Bill. This Act was the corollary of the former one. The only question, then, was how much they had to pay. By the old scale a discretion was allowed to the Treasury within certain limits to give the good servant a larger, and the indifferent servant a smaller superannuation. By the present system that discretion was a good deal removed, and upon the whole he preferred the new plan to the old. With regard to those who were now introduced to the benefit of the Superannuation Fund for the first time, let him put the question to the House in this way:—They had now a higher class of public servants, they had increased their salaries 5 per cent, and they proposed to give them a better scale of retiring allowances and certain other advantages. That being so, he asked on what principle they could possibly refuse to consider the case of a workman in the dockyard, who was less able to provide for old age, some small increase in his superannuation allowance, when the clerk who paid him his wages had his allowance increased. Such a system would be productive of nothing but discontent and dissatisfaction. So long as the system of deduction was continued, they had a fair answer; but now when all classes were put upon the same footing, the pensions must be placed upon the same equal scale. He objected to that clause in the Bill which required the retirement of an officer at the age of sixty-five, but not on money grounds. He would, therefore, reserve his objections to that clause for the Committee. He entreated the House most earnestly to settle the question. No one hardly knew how much inconvenience and dissatisfaction had been caused by the matter remaining in its present unsettled state. There was a great deal of canvassing, not of the House, but of the Members, which he very much disapproved of. He had not been troubled very much in that way himself, but he knew that others had been, and whatever the House did it could not do worse than leave the matter unsettled. It had only two courses open to it, either to revert to the old system or go on. It could not revert to the old system, and so its only course was to go on, even though it might have to pay somewhat dearly for its whistle.

SIR GEORGE LEWIS said, he was ready to accept the consequences of the decision that the abatements should be abolished, and that the distinction which the payment of those abatements previously made between the class of public servants entitled to superannuation allowances by reason of their being subject to such abatements and the class of officers not entitled to superannuation allowances by reason of not being subject to such deductions should be done away with. But he was not prepared to go beyond that principle. He could see no reason why the principle which the hon. Baronet embodied in his Resolution should not be carried out—namely, that no increase should be made in the scale of superannuations now fixed by law. The hon. Gentleman the Secretary for the Treasury was in error when he stated that the late Government had introduced a Bill altering the scale of superannuations last Session, or since the time when abatements were abolished. The Bill which he introduced upon the subject was introduced previous to the decision of the House with respect to the abolition of the system of abatement. He (Sir George Lewis) felt himself quite at liberty to vote against the scale of superannuation proposed by the present Bill; but he approved that scale in so far as it converted the septennial division into an annual payment; though he saw no reason why the scale of allowance fixed by the present law should be increased. No reason had been assigned for any substantial increase in the existing scale. With regard to the introduction of a new class of officers entitled to superannuation pensions, he admitted it was desirable that an intelligible rule should be laid down; but what he confessed somewhat alarmed him was the number of officers on the establishment of the Post Office, who, it was said, were to participate in the allowance. The Secretary for the Treasury had, on the estimates made by the Post-office authorities, stated the number to be about 8,000, who would thus, for the first time, be entitled to superannuation allowances; but he added that on investigation. the number might be reduced. The House ought to consider carefully how they admitted the whole of the Post-office service to the benefit of the superannuation allowance. With respect to the clerks employed in the Post Offices in large towns in the country—such as Liverpool and others—he thought they ought to stand on precisely the same footing as the clerks in the General Post Office. He could see no good reason, however, why Postmasters in country Post Offices, who did not devote their whole time to the public duties, and to whom the keeping a Post Office was more of an advantage than otherwise, should be admitted to the benefits of the superannuation allowance. There was another large class of persons in country Post Offices whom he should be extremely reluctant to bring within the provisions of this Bill. The country letter-carriers in general received about the wages of a day labourer. It was a vocation much sought after in the country, as the duties were less laborious than the usual work. Besides, they occasionally obtained perquisites which made a considerable addition to their earnings. They were not a class considered to belong to the permanent Civil Service, and there would be no difficulty in finding persons to do the duty for the wages given. without the right to a pension. He did not understand whether it was intended to bring them within this Bill as entitled to pensions. He should vote for going into Committee if he were assured that the Bill would not entail any substantial increase in the scale of pensions.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not think the effect of the Bill will be substantially to increase the scale of pensions; and I do not think that the Motion of the hon. Member for Evesham is founded on substantial evidence. No doubt there may be, in a certain sense, some slight increase in the superannuations under this Bill; but the increase has not been occasioned by any wish of increasing the salaries. The scale in the Bill is the scale recommended by a Committee of the House, and also recommended by the Royal Commission, and the reason that there is some slight increase in some portions is, that that scale has been framed in order to obtain the annual progression which was considered desirable; and, indeed, generally speaking, this Bill only legalizes what was before the practice of the Treasury—and which was the remedial practice of the Treasury—in order to counteract the evil effects of the scale that then obtained. It has been urged in the course of to-night's discussion that the communications between the Treasury and the officers and classes comprised in this Bill have not been completed; but I think that my hon. Friend the Secretary of the Treasury was entirely misunderstood by the right hon. Member for the University of Oxford when he made that allegation, because it was not stated by my hon. Friend that the communications between the Treasury and the other public offices have not been completed. They have been completed, and we have established a principle which is to guide us in the management of all the cases that come under our notice, namely, that those who receive the privilege—if I may so call it—of superannuation shall pass under the examination of the Civil Service Commission. And I must remind the hon. Baronet that we have a complete check over the various classes to which he has adverted, because it is for the Treasury to decide what cases shall come under the Civil Service Commission. The hon. Baronet who proposed the Amendment has endeavoured to alarm the House by dwelling upon the large number of persons who, he says, will come under the influence of this Bill if it passes into an Act; and he has remarked that the House, which has been accustomed always to consider that the number of civil servants was 16,000 will find them to be 40,000. Now, it is possible that a number of persons amounting to 40,000, or approximating to that number, may ultimately come under this Bill, if it shall be passed; but the fact is that it is not an increase from 16,000 to 40,000, but that between 16,000 and 30,000 are included in this Act who were before in the enjoyment of superannuations by other means, and, in fact, the real increase under this Bill cannot be estimated at a higher figure than between 6,000 and 8,000 persons, those persons being subject to the Treasury control to which I have adverted, and which, I think, will be a substanial check to any abuse. So far, therefore, as regards the principle urged by the hon. Baronet, I must say that, in the spirit of the case, there is no increase—no substantial increase in the scale of superannuation. What we have done is—we have reduced the minimum and accelerated the maximum, so that a person who enters the service and completes the time—namely forty years—I hope there are few such—would not, under these regulations, receive a greater amount of public money than under the old system. The right hon. Member for the University of Oxford (Mr. Gladstone) has said that before this discussion terminates he expects from the Government information on three points—first, the class of persons whom we propose to bring under this Act; secondly, whether we intend to revise the public salaries; and thirdly, he wishes to have an estimate of what will be the increase of charge if this Bill passes. With regard to the first point—the class of persons who will come under this Act—I will say at once that all those who are included in the original schedule of the existing Act, all added since, such as Poor Law Commissioners and others, and all those who have become entitled to be added, will come under the provisions of this Act, also those classes mentioned in this debate—namely, those employed in the dockyards and the Post Office. As to the second point, whether it is the intention of Government to institute a revision of the salaries, I would beg to refer to the opinion given on that subject by the Royal Commissioners. The Royal Commissioners were of opinion that such revision would be impracticable, and they gave their reason for their conclusions. Our opinion agrees with that of the Royal Commissioners, and we do not think that it is expedient, taking a general view of all the circumstances connected with the question, that a general revision of the salaries should take place. I need hardly touch upon the third point, the increase of the amount of charge if the Bill passes—because the hon. Member for Devonport (Mr. Wilson) has given his opinion to the House, an opinion founded on experience, and entitled to be regarded as of authority on this point. I would say that I believe the estimate of the hon. Gentleman is well founded; but I believe the expenditure would be rather under that figure than not. And if that is the case, can the House hesitate to pass a Bill of this kind, which I think is founded on principles of policy and justice, which has been recommended, and fairly recommended, by the public, and which after a long discussion appears to receive the approbation of the House. I do not know whether the hon. Baronet the Member for Evesham intends to divide on his Amendment; but I think his Motion is not well grounded, and I should feel it my duty to oppose it.

Question put "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 131; Noes 29; Majority 102.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

MR. GROGAN said, he wished to move the omission of the words "in an established capacity," because they had created great doubt and difficulty as to their exact meaning and application. It was supposed, and not without some reason, that if those words were not omitted from the Bill a certain class of civil servants in the large departments—the Customs, for instance—would not be entitled to any superannuation unless they had been ten years in the service The class of persons here referred to were the supernumerary civil servants. These gentlemen, in many cases, devoted their whole time to the service of the country, and they ought to be admitted to the benefits of the measure. When the Committee considered that the Bill would not extend to any one who was not employed for ten years, they would, he thought, come to the conclusion that a supernumerary employed for that length of time ought to have a superannuation allowance. The words he proposed to expunge were not in the old Act, and why they should have been inserted in this Bill he did not know. He hoped the Committee would agree to his Motion.

SIR DENHAM NORREYS said, he wished to ask the hon. Baronet the Secretary to the Treasury the meaning of the words "in an established service," because he had had the honour of being entrusted with a petition signed by 800 persons, who claimed to be placed on the same footing as other public servants? The petitioners were a useful body of men, namely, the process-servers of Ireland. He did not desire to extend the operation of this Bill, which he considered one of the most discreditable ever introduced by any Government; but, as hon. Members seemed to take it as an accomplished fact, he thought it but fair that the claims of all classes should be brought before the Committee and the Government.

MR. VANCE said, he wished to inquire whether the terms of the Bill included the large class of persons employed in the Ordnance survey.

MR. BRISCOE said, he would suggest that in bringing up the Report a schedule should be attached to the Bill, showing the civil servants who were entitled to superannuations.

SIR STAFFORD NORTHCOTE replied that those who were called supernumerary clerks were in fact to all intents and purposes established clerks, and had an organization of their own, and they would certainly come under the provisions of this Bill. With regard to the process-servers in Ireland, the case was quite different; they did not require the same qualifications for the discharge of their duties as civil servants in the public establishments; neither was the same strictness required in their case as regarded age and the length of service as in the case of the civil servants, and therefore they would not come under the provisions of this Bill. As to the Ordnance Offices he could hardly give an answer, but he did not see at that moment why the Bill would not include them.

SIR DENHAM NORREYS complained of the hardship that was inflicted upon numbers of the constabulary who had been discharged from their service in Ireland without any compensation or superannuation, while officials who were discharged from the Poor Law Board were superannuated. On these grounds he objected to the discretionary power of the Treasury in cases of this kind.

GENERAL CODRINGTON said, he rose to draw attention to the case of the artificers employed in the steam factories in the dockyards, and he wished to ask whether it would not be worth the while of the Government to consider if it would not be desirable to place them on a footing which would secure their permanent services.

MR. WILSON said, that the whole scope of the Bill was to diminish as much as possible the discretion of the Treasury. With regard to the statement of the gallant Member, he might explain that the artificers to whom he referred were a fluctuating body. They were attached to the steam factories, and they were in no way bound to the Government.

ALDERMAN SALOMONS said, he considered that those skilled labourers who were employed in the construction of the steam navy, and were, although not on the establishment, permanently employed in the dockyards, should be placed on the same footing as shipwrights.

Sir DENHAM NORREYS said, he rose to move an Amendment to the clause.

The CHAIRMAN said, there was one Amendment already before the Committee.

Sir FREDERICK SMITH said, he hoped the hired men would be included in the provisions of the Bill. They were almost permanently employed, and did the same work as the established men.

Sir STAFFORD NORTHCOTE remarked that the men alluded to would, by the provisions of the Bill, come within its scope, only that the Treasury would exercise a discretion in deciding whether they had had fixed and established employment.

Mr. HENLEY said, he wished to know if it were intended that the men should undergo an examination by the Civil Service Commissioners?

Mr. DRUMMOND said, he thought it but proper that the Treasury should have the discretion referred to, but he understood from the Bill that if a man had served twenty-nine years and was then discharged for a time, but afterwards brought back and retained in the service for seventeen years more, his superannuation would be calculated for the seventeen years only. That would, he considered, be a great injustice.

Mr. DEASY said, he wished to know what was the meaning of the words "established capacity."

Sir STAFFORD NORTHCOTE said, the words were not his but those of the hon. Gentleman the Member for Devonport, but he did not think there was any difficulty in understanding them. With regard to the question of his right hon. Friend the Member for Oxfordshire (Mr. Henley) in reference to the examination of the men by the Civil Service Commissioners, he had to state that it would be necessary for the men to obtain from the Commissioners certificates as to their age, the state of their health, and other such matters as were elements in the calculation of their superannuation.

Mr. WILSON remarked, that the words "established capacity" were perfectly intelligible to every person acquainted with the public departments.

Mr. HENLEY said, that the clause considered only the *status* of those at present in the public service, and not that of those who might hereafter join it.

Mr. GROGAN observed, that he was so satisfied with the explanation of his hon. Friend the Secretary of the Treasury, Sir Stafford Northcote, that he would withdraw his Amendment. His reason for moving the omission of the words was that they created a great deal of uncertainty among the civil servants. He would, however, still urge the claims of the engrossing clerks in the Scotch Land Office.

Amendment, by leave, *withdrawn.*

Sir DENHAM NORREYS said, he would then move an Amendment to the effect that no person be entitled to superannuation allowance, except granted in respect of any office mentioned in the schedule to this Act annexed, "except as hereinafter mentioned."

Sir STAFFORD NORTHCOTE: What is the meaning of the words, "except as hereinafter mentioned?"

Sir DENHAM NORREYS: It meant any exception which the Treasury might start.

Sir STAFFORD NORTHCOTE said, he could not yet understand the Amendment.

Sir FRANCIS BARING said, the same rule ought to apply to all the establishments. As there must be decision somewhere, it ought to be exercised by the Treasury.

Amendment *negatived.*

Clause *agreed to.*

Clause 2.

Mr. G. CLIVE moved the following Amendment—line 20, after "service" insert "and also an allowance of one-sixtieth for each three years' service of all persons who entered into the service of the State between the 30th day of September, 1829, and the 1st day of July, 1857, and who had paid the abatement on their salaries deducted by virtue of the Act 4 & 5 *Will.* IV."

Sir STAFFORD NORTHCOTE opposed the Amendment, which was negatived without a division.

Mr. GREER moved an Amendment, protecting the interests of the class—a very limited one—of public servants who had entered between 1829 and 1834. They were not numerous, and an attention to their claims would not seriously affect the Bill. What he proposed was, that their retiring allowances should be fixed at the rate which was current at the period at which they entered office.

The CHAIRMAN declared that the

Amendment could not be put, as being identical with one which had already been disposed of.

Sir HENRY WILLOUGHBY said, he must again beg to ask whether the effect of the clause would be to inflict any additionalcharge on the public?

Sir STAFFORD NORTHCOTE said, he had already stated that it was impossible to estimate the expense which this clause would impose upon the public.

Clause *agreed to.*

Clause 3.

Colonel NORTH remarked, that under it persons who had arrived at the age of sixty-five, though they might be hale and hearty, were obliged to retire, which might be a great loss to them.

Clause *agreed to.*

Clause 3 was also *agreed to.*

Clause 4.

Sir GEORGE LEWIS asked how far this clause would affect the present state of the law, which limited the number of pensions payable to Under Secretaries of State?

Sir STAFFORD NORTHCOTE said, his attention had not been called to this point, but provision should be made for it, in order that the limitation now imposed by statute might not be altered.

Clauses *agreed to,* as were also Clauses 5 and 6.

Clause 7.

Sir FRANCIS BARING said, he would propose the omission of certain words to prevent persons who had served their full time in Government Offices from being placed in a worse position, with respect to their superannuation allowance, than those persons who had been discharged in consequence of a reduction of the establishment.

Amendment proposed, in page 4, lines 7 and 8, to leave out the words "if ten years were added to the number of years which he may have actually served."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 161; Noes 88: Majority 73.

Mr. CRAUFURD said, he would propose to omit the words two-thirds, and to insert three-fourths in the clause, with a view of providing for meritorious cases, in which a greater proportion of the salary as a retiring allowance, might be deserved, and giving the Treasury a discretion to that amount.

The Chairman

Sir STAFFORD NORTHCOTE defended the clause.

Clause *agreed to.*

Clause 8.

Sir FRANCIS BARING said, he wished for some explanation on this clause. It related to the heads of departments who had nobody above them to certify as to their having served with diligence and fidelity. He objected to the Treasury having the power of granting a retiring allowance to the heads of departments, who they might declare had not served them with diligence and fidelity.

Sir STAFFORD NORTHCOTE said, that this clause was taken, substantially, from the Act of 1843.

Sir GEORGE LEWIS said, that the two next clauses referred to the case of a full grant of superannuation allowance. In the case of a subordinate officer it would be competent to the head of the department to make the necessary certificate, but in the case of the head of a department, of course he could not certify to himself, and therefore the regulation had been made that the Treasury should certify to the fact.

Sir STAFFORD NORTHCOTE: It would be as well if they were to omit this clause.

Clause *withdrawn.*

Clauses 9 and 10 *agreed to.*

Clause 11.

Sir FRANCIS BARING said, that it appeared to him this clause gave an official power to retire after sixty years' service, whether he was capable or not. Such a course seemed very objectionable.

Sir STAFFORD NORTHCOTE said, the provision of the existing law was that the Government should not be able to grant a superannuation allowance to any official under sixty-five years of age, unless he was physically disabled. The present clause merely altered that to sixty years.

Sir FRANCIS BARING said, he was sorry to be so troublesome, but he thought a public servant had no right to say he was sixty-five years of age, and therefore, would claim his retiring allowance. He wished to know whether this clause gave power to an official at sixty years of age to say he would claim a retiring allowance?

Sir STAFFORD NORTHCOTE explained that under the existing law a public servant had power to retire after sixty-five years of age, but if he retired under those years, unless he could produce a medical certificate, he could not obtain a superannuation allowance. The result was that the Treasury was met by medical certificates which they were compelled to look upon with an eye of indulgence—sometimes importing no more than that the applicant had a severe cold, and upon this certificate superannuation was often granted upon insufficient grounds. The result of the proposed clause would be that civil servants would be enabled to retire at sixty instead of at sixty-five.

Mr. MONSELL said, he could not see that any valid objection had been brought forward to the existing state of things, and if a division took place he should vote against the proposed change.

Sir GEORGE LEWIS said, that this Bill would bring under the provision of the Superannuation Act a large body of officers who were not at present within its provisions—many of whom would not be under the immediate observation of the Treasury. The effect of the Bill generally was to increase the burden upon the public, and to benefit the public service. If the Committee acknowledged the right or understood claim of every public officer to retire at sixty, the difference would be that a considerable addition would be made to the public expenditure, and a corresponding advantage would accrue to the service. Now, he did not feel satisfied that any sufficient case had been made out, and he should therefore move that the words "sixty-five" be substituted for "sixty" in the clause.

Amendment proposed, in page 5, line 5, after "sixty," to insert "five."

Sir STAFFORD NORTHCOTE said, he had some difficulty in meeting the Motion of the right hon. Gentleman, because the wording of this clause was connected with that of the 15th clause, to which the Committee had not yet arrived. But the general scope of the Bill was this: it was thought desirable that persons who had fairly discharged their duties should leave the service with good will. It would now be necessary to retire at sixty-five, and, as a compensation for this, it was thought right to permit public servants to retire at sixty. Younger men would be permitted to enter the service than formerly, namely, at years varying from eighteen to twenty-five, thus taking the average at twenty; and they would be permitted, if they wished, to retire at sixty; and it must be allowed that forty years of the best part of a man's life was an ample period of public service to deserve a pension. It was thought desirable not to retain unwilling or incapable servants; and at the same time it must be remembered that by retiring at sixty they gave up one third of their income.

Mr. MILES observed that the House allowed Members of the House to be exempt from serving on Committees at the age of sixty.

The CHANCELLOR of the EXCHEQUER observed that it was contemplated under this Act to admit no one into the civil service over the age of twenty-five; the average of persons entering the service would thus be of the age of twenty, and the present term of service was considered practically to amount to forty years. In France, members of the civil service were allowed to retire at fifty-five. He trusted the Committee would agree to the clause.

Mr. RICH said, the practical question was, would the Treasury say that gentlemen between sixty and sixty-five were not fully competent to do their duty? If not they ought to be released.

The CHANCELLOR of the EXCHEQUER said, that under the proposed arrangement forty years' service would be secured to the public before the retiring pension came into force. He did not think we ought to mete out a less measure of liberality than that given in the French civil service, which was admitted to be a very good one.

Mr. WILSON said, he thought the Committee appeared to be of opinion that the charge upon the country would be much greater than it would be found in reality. He did not share in that apprehension.

Mr. MALINS said, he should oppose the Amendment, and put it to the Committee whether they would prevent a public servant from enjoying the only five years of his life which it might be in his power to pass in comfort.

Question put, "That the word 'five' be there inserted."

The Committee *divided*:—Ayes 100; Noes 156: Majority 56.

Clause *agreed to*, as was Clause 12.

Clause 13.

Mr. Serjeant DEASY proposed an alteration, in order to exempt persons from the necessity of retiring from public offices, at the age of sixty-five, who had been appointed in a certain manner.

Sir STAFFORD NORTHCOTE said,

he was willing to strike out the words "life and good behaviour," and to insert, "And not being an officer included within the terms of any order or warrant made by the Commissioners of the Treasury under the provisions of section 4 of this Act." The intention of the clause was that retirement should be compulsory at the age of sixty-five ; but it was not intended that this provision should affect persons ordinarily employed until a later period of life, and who accepted office at a comparatively late age.

Amendment *withdrawn.*

Clause *postponed.*

Clauses 14 to 20 inclusive, were then *agreed to.*

SIR STAFFORD NORTHCOTE said, he had a clause to add, that no person should be deemed to be in the civil service of theState, or entitled to superannuation allowance, unless he held his appointment direct from the Crown, or had his salary provided out of the Imperial funds.

Clause *postponed.*

House resumed.

Committee report progress.

NEWSPAPERS BILL.

Order for Committee read.

MR. AYRTON said, he wished to know if the Government objected to this Bill, because if they did he would fix the Committee for some other day.

THE SOLICITOR GENERAL said, he referred to the Acts intended to be repealed. The Government had no objection to the repeal of the first three Acts, so far as they related to newspapers. But with regard to the 6 and 7 *Will.* IV., and the 2 and 3 *Vict.*, which required the registration of the proprietors of newspapers at Somerset House, the Government thought those Acts ought not to be repealed.

MR. AYRTON said, that under these circumstances he should postpone the Committee till the 6th of April.

Committee *deferred* till *Wednesday,* 6th April.

MILITARY ORGANIZATION.

NOMINATION OF COMMITTEE.

CAPTAIN VIVIAN said, he would propose to nominate the Select Committee on this subject.

MR. MACARTNEY said, he must object to the construction of the Committee. It was composed of ten gentlemen from one side of the House, and of only five from the other ; it did not comprise any officer of the Ordnance ; the three officers who were nominated belonged to the Guards, while the Army at large was unrepresented; and lastly, the late Under Secretary at War and a former clerk to the Ordnance would probably be examined as witnesses, and ought not therefore to serve upon the Committee.

LORD ADOLPHUS VANE-TEMPEST said, he also had to complain of the composition of the Committee. On a subject referring to military organization the military element was not sufficiently represented in the persons of General Codrington, whose services, owing to his appointment to a foreign command, the House will shortly lose ; of Lord March, whose duties in his department and interest in another Committee might prevent his attendance ; and of Lord Hotham, the only military man on the Committee. Two Members, Sir John Ramsden and Mr. Monsell, ought more properly to be called as witnesses. From the constitution of the Committee, containing five members formerly connected with the civil War Department, there would be a majority inclining to the views strongly advocated last year by the Mover—namely, that the Army should be brought under the more complete control of the Secretary of State for War, who, in the generality of instances, would be a civilian.

CAPTAIN VIVIAN said, he had no party object in view when he drew up the Committee. His only desire was to have a full and fair inquiry. He might further say that the composition of the Committee was approved by the Secretary for War.

GENERAL PEEL said, it was at his suggestion that the name of Viscount Palmerston was inserted in the list.

Select Committee on Military Organization *appointed—*

"Viscount PALMERSTON, Lord JOHN RUSSELL, Lord HOTHAM, Sir JAMES GRAHAM, the JUDGE ADVOCATE, Mr. ELLICE, Mr. SIDNEY HERBERT, Mr. WALPOLE, Mr. HORSMAN, Sir JOHN RAMSDEN, Sir WILLIAM CODRINGTON, Mr. MONSELL, Colonel WILLIAM PATTEN, the Earl of MARCH, and Captain VIVIAN. Power to send for persons, papers, and records. Five to be the quorum.

THE BRITISH MUSEUM.

COMMITTEE MOVED FOR.

MR. GREGORY moved,

"That a Select Committee be appointed to inquire how far, and in what way, it may be desirable to find increased space for the extension and arrangement of the various collections of the British Museum, and the best means of rendering them available for the promotion of science and art."

Sir GEORGE LEWIS said, he was anxious that there should be some understanding as to the objects of the inquiry; as the latter part of the Motion stood, there was no limit to the extent to which the inquiry might be carried.

Mr. GLADSTONE said, he entertained a similar opinion, and he would suggest that the latter words, "and the best means of rendering them available for the promotion of science and art," be omitted. He begged to move that these words be struck out.

Amendment proposed, to leave out from the word "Museum" to the end of the Question.

Mr. GREGORY said, he could not assent to the Amendment; the wording of the Motion had been approved of by the right hon. Gentleman the Home Secretary. The public was determined there should be an inquiry to ascertain whether the Museum could not be made available for instruction as well as exhibition. He considered the Motion, as it stood, fully carried out the understanding come to on the previous evening.

Sir GEORGE LEWIS suggested that the words objected to should be struck out and others inserted; so it would stand, "render them available for purposes of instruction." The proposal of the hon. Gentleman would create a total revolution in the arrangement, objects, and character of the Museum. The present officials were chosen totally irrespective of any purpose of teaching; there were no rooms for lectures in the institution, and the alterations which would be necessary to fit it up as a university would involve a large expense.

Mr. SOTHERON ESTCOURT said, the terms of the Motion had been approved of by the Chancellor of the Exchequer and himself, and, in his opinion, they fully carried out the understanding come to on the previous evening, and the vagueness of the words of the reference were intended to meet the various views then urged.

Mr. STIRLING said, he wished to know whether the opinion of the trustees had been taken on the terms of this reference?

Mr. SOTHERON ESTCOURT said, he was not aware they had been consulted. He understood that the subject of the trust was not at all involved in the inquiry.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 21; Noes 2: Majority 19.

House adjourned at half-after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 21, 1859.

Minutes.] Public Bills. — 1ª Consolidated Fund (£1,222,383 8*s.* 9*d.*); Cosolidated Fund (£11,000,000); St. James Baldersby Marriages Validity; Ecclesiastical Residences (Ireland). 2ª Mutiny; Marine Mutiny; County Courts.

LEASING POWERS (IRELAND)

The Earl of BANDON asked the President of the Board of Trade whether it is the intention of Her Majesty's Government to introduce any Bill in the present session to facilitate the granting of leasing powers, and especially building leases, in Ireland.

The Earl of DONOUGHMORE replied that the Attorney General had prepared a Bill upon the subject, which he hoped to introduce into the other House of Parliament some time before Easter.

COUNTY COURTS BILL.

SECOND READING.

The LORD CHANCELLOR, in moving the Second Reading of this Bill, said that by Act of Parliament the Judges of the County Courts were required to appoint high bailiffs of their respective courts; but that with regard to Westminster and Southwark the High Bailiff of the one was appointed by the Dean and Chapter of Westminster and of the other by the Corporation of the City of London. The Act provided that, until Parliament should otherwise direct, the High Bailiff of Westminster and the High Bailiff of Southwark should be High Bailiffs of the County Courts established within those districts. Very great inconvenience, however, had resulted from this arrangement. All the other high bailiffs were, in fact, appointed by the County Court Judges, and were removeable like them for inability or misbehaviour; but the High Bailiffs of Westminster and Southwark being appointed by different authorities, the County Court Judges had no control over them whatever, and in consequence of their having other duties to perform they never attended the County Courts at all. It happened, by an extraordinary fatality, that the opportunity had now occurred of rectifying the inconvenience that had been thus sustained. Both the High Bailiffs of Westminster and Southwark had died within a short time, and with their deaths the opportunity was afforded of making such appointments as Parliament might direct, and removing at once what was not only an anomaly but an inconvenience; and the object of the Bill was to provide that the Judges of the County Courts of Westminster and Southwark should appoint the High Bailiffs for their courts, without interfering with the right of nomination by the dean and chapter of Westminster of the High Bailiff of Westminster, and by the Corporation of London of the High Bailiff of Southwark.

Bill read 2°, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned at half-past Five o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 21, 1859.

MINUTES.] NEW MEMBER SWORN.—For Harwich, Captain Henry Jervis White Jervis.

PUBLIC BILLS.—1° Patents for Inventions (Munitions of War); Lunacy Regulation Act (1853) Amendment; Common Rights, &c. (War Department); Debtor and Creditor.

2° Savings Banks (Ireland) Act Continuance.

3° Consolidated Fund (£1,222,383 8*s.* 9*d.*); Consolidated Fund (£11,000,000).

DELHI AND LUCKNOW.—QUESTION.

VISCOUNT BURY said, he would beg to ask the Secretary of State for India whether it is the intention of Her Majesty's Government to distribute the prize money taken at Delhi and Lucknow to the troops present on those occasions.

LORD STANLEY said, he had to regret that his inadvertence had put the noble Lord to the trouble of asking this question more than once. The best answer he could give to it was to read an extract from a Despatch, dated 31st March, 1858, addressed to the Governor General of India by the late Court of Directors. In that despatch the Court of Directors, speaking of the property captured at Delhi, said,—

> "We fully approve of your recommendations that property taken by the troops, which is neither claimed on behalf of the State nor claimed and identified by individuals who may establish their loyalty, should be considered to be prize. We shall accordingly, as soon as we are informed by you of the necessary particulars, make application to the Crown, in the usual form, praying a Royal grant of the same as prize. . . . We trust that no time will be lost in sending us full particulars of the captures which we now propose to recognize as booty of war."

Some statements had since been received, but they were not complete, as showing the value of the booty, and the Government was now waiting for a full and complete account. With regard to Lucknow, he had as yet heard nothing from the Government of India.

INDIAN DESPATCHES.—QUESTION.

MR. SALISBURY said, he rose to ask the Secretary of State for India whether the despatch No. 5, 1858, dated the 9th December, had been submitted to the Indian Council for consideration before its transmission to Lord Canning; also, if any reply has been received from Lord Canning to the despatch in question; and whether the Government are prepared to lay such reply on the table of the House?

LORD STANLEY replied that the despatch in question was communicated for information to members of the Council, but it was sent, as previous correspondence on the same subject had been, through the Secret Committee. No reply had yet been received, but if any such reply should arrive, he should deal with it as with others, and lay it upon the table of the House.

THE BEQUESTS ACT (IRELAND). QUESTION.

MR. ENNIS said, he would beg to ask the Chief Secretary for Ireland if it be his intention to introduce a Bill during the present Session to amend the Act 7 & 8 *Vict.* c. 97, intituled "The Bequests Act (Ireland)."

LORD NAAS said, it was the intention of the Government to introduce such a Bill.

GUANO.—QUESTION.

MAJOR EDWARDS said, he wished to ask the Under Secretary of State for Foreign Affairs whether the announcement that he made last Session, that the Peruvian Government had arranged that the price of Guano should be uniform here and in the United States, had been justified by the result; and, if not, what steps Her Majesty's Government proposed to take.

MR. SEYMOUR FITZGERALD said, that the only information possessed by the Government upon this subject had been obtained from the public journals. They had received no official information of the difference stated to exist between the price of guano here and at New York. If they found that such a difference was perpetuated, it would be their duty to bring the fact seriously under the notice of the Peruvian Government.

REPRESENTATION OF THE PEOPLE BILL.

SECOND READING. FIRST NIGHT.

Order for Second Reading, read.

THE CHANCELLOR OF THE EXCHEQUER moved that the Bill should be read a second time.

Motion made and Question proposed "That the Bill be now read a second time."

LORD JOHN RUSSELL: I rise, Sir, to move the Amendment of which I have given notice, and I believe I shall best consult the convenience of the House by saying as little as possible by way of preface to the arguments which I wish to urge upon their attention. I shall be the more ready to do this because I quite agree with the right hon. Gentleman the Chancellor of the Exchequer that it was the duty of Her Majesty's Ministers to propose a Bill to amend the representation of the people in this House. It might be a question whether the Ministers, upon taking office, being in a decided minority, were justified in presenting themselves to this House; it might be a question whether it was right to hold out expectations that they would lay a Reform Bill before the House; but I think there can be no doubt that, having held out those expectations, they were right in fulfilling their pledge and bringing their proposition before Parliament in the shape of a Bill. The right hon. Gentleman spoke much of the importance of this question, and I do not wish to weaken the force of what he said by attempting to add anything to it. There can be no question of graver importance to us, our children, and our posterity, than that which is now before the House. And, Sir, if it is a question of so much importance, I think it cannot be wrong to urge this House, to consider every step which they take—not to be blind to the importance of any movement which they make, and to consider well before they advance in what may turn out to be a wrong direction. In the arguments which I am about to address to the House, I am encouraged by the fact that two of the colleagues of the right hon. Gentleman—one the Member for the University of Cambridge (Mr. Walpole), distinguished among his colleagues for his great constitutional knowledge and the calmness and temperance of his views upon all subjects; and the other the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), than whom no man is better acquainted with the population of this country, or a better judge of their character—have felt objections in a great degree similar to those which I myself entertain against the Bill which the rest of the Government have introduced. I think it will save much misconception if I read what is contained in the beginning of the first clause of this Bill which, in fact, contains the whole principle of the measure. I hear hon. Gentlemen saying, and I have observed the same remarks in public journals, "Exclude the clause which disfranchises freeholders in boroughs; amend the clause with respect to borough franchises," and various other phrases implying, in the first place, that they think this bad Bill can be easily amended in Committee; and, in the second, that they have not read the measure of which they speak. The Bill contains, in the first eight lines, the following proposition:—

> "Every male person of full age, and not subject to any legal incapacity, who shall have any one of the several qualifications hereinafter specified, shall be entitled to be registered as a voter, and to vote in the election of a member or members for the county, or if within the limits of a borough, then in the election of a member or members for the borough, where, in the case of qualifications arising out of lands or tenements, such lands or tenements shall be situated, and where, in all other cases, such person shall reside."

These lines lay down, as I imagine, the whole principle of the Bill, which is that the suffrage throughout the country in counties and boroughs shall be uniform or, as the Chancellor of the Exchequer expresses it, identical. Now, Sir, let the House observe the consequences of this proposition. I will speak first of the particular consequences, and then of the general principle which is here affirmed. The first principle, then, is that all the freeholders resident in boroughs who have hitherto voted for the counties in which those boroughs are situated are hereafter to vote for the boroughs in which are their freeholds. This is a complete change in the constitution of this country. These rights have been enjoyed for an immense length of time. When there was recently in this House a discussion upon the right of primogeniture, I stated that I had heard a freeholder of Devonshire, when asked by the poll-clerk, "Have you had this freehold more than a year?" reply "More than a year! we have had it since William the Conqueror." That shows, among a thousand other instances, what value the smaller freeholders place upon the antiquity of their possessions. It is now proposed to deprive them of their votes for counties and to compel them hereafter to exercise their suffrage only in boroughs. Now, is that proposal made on account of any delinquency or any crime on their part? Is it that they have shown themselves unworthy of the trust which has hitherto been reposed in them? It is evident that such is not the case, because, otherwise, the Chancellor of the Exchequer would have proceeded, as the late Sir Robert Peel proceeded in the case of the 40*s.* freeholders in Ireland, to propose their immediate disfranchisement. Instead of that, the right hon. Gentleman has brought up a special clause by which he proposes that they shall retain their franchises for life, thereby entirely negativing the supposition that they are unworthy to exercise the right of voting which they have so long possessed. With the exception, indeed, of a hint that the Freehold Land Societies have increased the number of such freeholds to an injurious extent, the right hon. Gentleman himself had not a word to say against the 100,000 freeholders who have hitherto exercised the right of voting in counties. But by the first proposition of the Bill, although they themselves are acquitted of all crime, their children for ever are deprived of their votes for counties, and compelled to vote for the boroughs in which their qualifications exist. Now, many of them, as I have said, have had their existing rights handed down to them from a long line of ancestors. Others have purchased their freeholds with the special view of voting for counties. What injustice, then, to say you will deprive them of their rights without any fault on their part, and hereafter compel them to vote where they do not wish to exercise their franchise. Therefore, I think it is established that the first proposition of the Bill is unjust. It is unjust because there is no public necessity for it. It is unjust because it is not deserved. But, in the next place, I am not afraid to maintain that those persons who now vote for counties in virtue of freeholds do give a character to the representation of those counties which it would not otherwise possess. I hesitate not to say that they add to the liberal element of the counties to which they belong. I find that

> "In Devonshire, Plymouth, there are 797 freeholders; in Glocestershire, Stroud, 1,334; in Kent, Canterbury 583, Dover 1,037; in Lancashire, Liverpool, 3,300, Manchester 3,043; in Middlesex, Tower Hamlets, 3,064; in Northumberland, Newcastle-upon-Tyne, 1,687; in Staffordshire, Wolverhampton, 2,333; in Warwickshire, Birmingham, 1,910; in Yorkshire, Bradford 2,194, Leeds 3,089, Sheffield 1,991."

It appears to me to be a great public injury to take these men away from the counties, thus to deprive the counties of that liberal and commercial character which they would otherwise have, and to change their social and, perhaps, political bias. Such is the first consequence of the present Bill. But although that consequence is a serious one, there is yet another of still greater importance,—namely, you thereby enable persons of landed property to obtain a power by which the small boroughs may be flooded with fagot votes. Let me here notice the change which was made in 1832 at the passing of the Reform Act. In many of the small boroughs previous to that time the right of voting was vested in the holders of burgage tenures or freeholds, and those freeholds were entirely dependent upon, or, at all events, attached to, the patrons of the boroughs. By such means grew up that state of things which existed before the Reform Bill, when there were so many constituted bodies properly called nomination boroughs. What has been the character of many of those boroughs since 1832? In some of them, no doubt, there has been great influence exercised, and the landowners have had much to say in the election of Members; but, at the same time, the right of voting being in £10 occupiers has been everywhere a check to the former power of the great proprietors, and the electors have given their votes with a certain degree of regard, no doubt, to those who recommended candidates to them, but also with a determination to know what the opinions of those candidates were. The right hon. and gallant General the Minister for War told us the other day that in Huntingdon he was quite sure an hon. Friend of mine the Member for Finsbury (Mr. T. Duncombe) would have no chance of being elected, because his politics do not coincide with those of the majority of the electors. There are many other boroughs in the country where the right hon. and gallant General himself would have no chance of being elected, because his politics are not the politics of the inhabitants of those places; but immediately you say that 40*s.* freeholds may be formed to any extent in small boroughs you at once destroy what remains there may be of their independence, and you restore to them their old character of nomination boroughs. You would not only have restored that which prevailed before the Reform Bill, when in many instances the entire command of the boroughs belonged to the landowners, but you would have a revival of those contests which used to go on in many places, when two great proprietors—Peers, perhaps—fought for Parliamentary influence, when one made 100 fagot votes and the other 120, and so the battle was continued until the fate of the borough was decided. I think, therefore, that the first proposition of the Bill is to a great extent a repeal of the Reform Act. It provides for the revival of abuses which the Reform Act was intended to extinguish. But it is not true that the whole of the smaller boroughs are under the influence of persons like Lord Sandwich and others, who happen to have property in the neighbourhood. Many of them are entirely independent. I might name as one the borough of Liskeard. It is a very small borough. It was formerly under the influence of a noble family; but it has returned since the Reform Act Mr. Charles Buller, one of the most distinguished Members of this House. He was returned by the free voice of the electors, and I believe the present hon. Member was also returned by the free election of the constituency. But immediately you pass the present Bill—which I hope will never be the case—you will enable the gentlemen who have land in that neighbourhood to create a number of freehold votes, and thereby entirely extinguish the free choice of the comparatively small number of independent electors. I believe the borough is seven miles in length, and therefore there would be ample room and opportunity to create freeholds of that kind. Hence, I say, in the first proposition of the Bill is a great danger. It is not an extension of the suffrage. It is the change in the suffrage worked out by an act of violence by which you deprive men of votes which they and their family have held, perhaps, for hundreds of years—rights which they have exercised since the reign of Henry VI., except during the short period of the usurpation of Cromwell—for I believe that in modern times no Parliament has sat to which Members have not been returned by the 40*s*. freeholders in counties. Such being the case, you are now asked to do that which is unjust in itself, which is very impolitic in itself, by attempting in these days to revive those nomination boroughs that have been changed in character by the Reform Act. But I shall be told that this will never occur—that it is impossible Parliament will allow these new voters to be created without interfering with the revival of these unjust and predominant influences. I believe that is quite true, but then it is only an argument and a step to a further change. What will that change be? It will clearly be one to electoral districts, for you will have already taken away that which is the great impediment to a division of the country into electoral districts—the difference between the franchise in counties and boroughs. You will have small boroughs of 5,000 or 6,000 inhabitants returning Members entirely at the beck of the landed proprietors, the creators of borough freeholds, and you will have, on the other hand, divisions of counties with a population of 95,000. The boroughs will be called nomination and corrupt, and it will be said, "Let us join the 5,000 to the 95,000, and divide the whole into two districts of 50,000 each, and thus obtain a fair and equitable division of electoral power." I am not going to argue for electoral divisions, for I own I love the old divisions of counties, cities, and boroughs. For my part, I have no wish that places like Winchester, Salisbury, Guildford, and Chichester should only be made parts of counties, instead of towns returning representatives. But I say, if that is your wish—if the present Conservative Government wish to have electoral divisions, which the hon. Member for Birmingham (Mr. Bright) denied that it was his object to have, being afraid of being thought too great an innovator if he proposed such a thing—but if such is the object of the Government, then let us arrive at that end at once; and do not, in respect to these small boroughs, let us go through this process of nomination, corruption, and degradation, which must excite complaint and agitation in the country some eight or ten years hence, only to end in some violent process, or by then making electoral districts. Let us, I repeat, rather have them proposed at once, and give to London fifty or sixty Members, to which the metropolis would be entitled under such a system. Do not leave us to arrive at that end by a process which must create general agitation and discontent. In stating this argument, which appears to me decisive against the proposal now before the House, and having adverted to the process, which I think is sure to happen, if such a Bill as the present be carried, I cannot but strengthen my argument by a very high authority, the same as was quoted the other evening by the right hon. Gentleman the Member for the University of Cambridge. Some five years ago the Government of that day proposed to introduce a Bill to reform the representation of the people. The Earl of Derby immediately took the alarm; he thought that some dreadful project was in contemplation—something dangerous to the institutions of the country, and I will venture to read to the House what was stated by that noble Lord, as the authority is so high, the expression so clear and the argument, as I think, so conclusive. The Earl of Derby said:—

> "I beg that your Lordships will not lose sight of this, that from the earliest periods of the Parliamentary history of this country there have been two great divisions of constituencies, and it is upon due weight being given to each of these two that the whole balance of the constitution in the House of Commons depends."

Then, after stating the distinction which exists between the borough and county constituencies, he says:—

> "That distinction is as old as the earliest period of our history. It is not a new distinction introduced at the time of the Reform Bill; but it is a distinction which at the time of the Reform Bill in 1831 and 1832 was recognized, and to a certain extent was even extended; because one of the main alterations with regard to the franchise, in addition to extending it beyond the corporations, which had in some boroughs usurped the place of the inhabitants at large, was that it was given to a great mass of rated householders; and, at the same time, in order to draw more clearly the distinction between the two classes of representation, the non-resident freemen were disfranchised in regard to boroughs; while residence was not considered necessary with regard to the county franchise. Property was there made the basis of representation, number and residence were the basis of representation with regard to boroughs. . . I do trust that the Government in the measures they are about to introduce will not attempt to break down this old, well-founded, and most important distinction. If they do so for the purpose of removing any apparent anomaly, and diminishing the inequality of numbers, or of introducing any fanciful regularity, they will entail much more serious consequences in the total alteration and subversion of the principles of the representation of this country, and the alteration of the distribution of powers, and they will derive no advantage from any possible establishment of a system apparently more symmetrical, but not containing the elements of real power and real convenience which are comprised in the present system, and which form one of the main balances of the constitution."

Lord John Russell

I ask, then, how it is, the Earl of Derby being now in office and having to introduce a Reform Bill, that one of the first things he does is to frame his Bill on the entire destruction of that distinction which he said was necessary for the preservation of the balance of the constitution? How is it that he tells us now, through his organs in this House, that while professing to improve our representative system, he intends to subvert that which he thought necessary for the constitution in 1854? It is quite obvious, as the right hon. Member for Cambridge University said in his letter to the Earl of Derby, that if I or the noble Lord the Member for Tiverton (Viscount Palmerston) had introduced such a plan no man would have been steadier in his opposition to it than the Earl of Derby, who would have told you that it was an utter subversion of the institutions of the country. Therefore, I think that the first clause of the Bill contains that which will be injurious, and not an improvement to our institutions. I think it contains that which will lead, in the first place, to great discontent on the part of the inhabitants of towns now being freeholders, but who, according to the Bill, are to be transferred from the counties to the boroughs. In the next place, I think it will lead to the creation of a great power of nomination in many of the boroughs which it is proposed to preserve, and in which no such power absolutely exists at present; and, in the third place, it will, in my opinion, lead to such discontent that the only remedy for the evils you have inflicted—the only resource from the mischief you have done—will be to resort to electoral districts, which no man is now prepared to propose, and which I consider a total subversion of the existing representative system. I do not wish to detain the House longer than necessary, and I come now to the second part of the Amendment which I have taken the liberty to place on the notice paper. While there is a total alteration in the basis of our representative system, such as no one ever proposed, and such as Earl Grey and his colleagues were praised for not attempting in 1831, no change is made in regard to that which, I own, appears to me to be a necessary provision in any Reform Bill. You destroy what is ancient, but do you make a provision for what is new? By no means. Every man will admit that since the Reform Bill, which, with great and not overdue caution, placed the franchise for boroughs and cities in the occupants of £10 houses, great progress in knowledge and capacity has been made by the working classes. Let us consider a little what it is that is the real basis on which you should rest the representation of the cities and boroughs. It is the custom in this country, different from that of some ancient States—and I think a very wise usage—to place power in hands which are thought fitted to hold it. You do not say that every man that might come into a room where a trial is going on should have a vote on the question whether the persons under trial should be condemned or not. On the contrary, you say that there are certain persons occupying houses of a certain value, who will be fitted as a jury to condemn or acquit their countrymen. You do not allow a man brought up for trial, perhaps for his life, to say, "I require to be tried by my fellows and equals, and these men are above my fortune." On the contrary, you say that you must have persons fitted for the duty, with capacity to understand what the case is, and, after hearing the evidence and charge of the Judge, to give a fair verdict. So with regard to the Judge himself and almost every functionary in this country, you decide what are the conditions and qualifications which make men fit to exercise certain functions. For this reason, and in conformity with this spirit of our institutions, I have always opposed any proposition for universal, or, as it is now called, manhood suffrage. I contend, with respect to a great portion of the working people, though many are well fitted to take part in the political questions of the day, they are liable to be misled by delusions, and if they should be totally indifferent, that circumstance would give rise to great venality in our elections, not that these men have any bad intentions; but there are men among them who would consider it not of much importance to themselves whether there existed protection or free trade, religious liberty or persecution, and they would give their votes according to their own immediate interests. Therefore, it is of the utmost importance to the State that you should find men fitted by their station and capacity to give their votes for Members of Parliament. No function can be more important; for, in the right choice of the Members of this House depends the right conduct of affairs. But when you say this, can you say that since the period of the Reform Act, there are not persons below the class of £10 householders thoroughly fitted for the suffrage? Are there not numbers of persons who are perfectly capable of judging, and in circumstances sufficiently independent to qualify them to vote at elections? For my own part I have no hesitation in answering that question in the affirmative; and I confess it has appeared to me for some years that such is the growth of intelligence, such the improvement of the people, that you ought not to confine yourselves to the limit of £10. A right hon. Gentleman, in addressing his constituents, I believe, told them that in 1851, finding the Administration of which I was the head not so popular as it had been, I bethought myself of extending the franchise by way of acquiring a little popularity. A very kind insinuation this. But I will explain to the House what were my real views upon that occasion. I considered that there were thousands of persons who were every year becoming fit to exercise the franchise, and that if they were not admitted to that franchise, discontent would arise among them. I had seen two questions settled by Government, but settled, as I thought, under untoward circumstances. The Roman Catholics of Ireland had been barred out from their rights until their discontent came to the verge of civil war, and then their petition was granted. The agitation against the Corn Laws went on, and the petitions of the people were entirely refused, until at last, in a year almost of famine—in a year of great scarcity—the meetings in favour of the repeal of those laws became much more numerous, the discontent became much more loud, aad then that which had been previously refused was granted. These, I consider, were bad things, for authority. The authority of Government and of Parliament is sure to suffer if, when questions are discussed year by year with calmness and patience on the part of those who are petitioning for the removal of any grievance, you always end with a refusal of their petition, while, when instead of fresh reasons you have noise, and clamour, and agitation, and even threats of force and resistance, you grant the demands which are made. It struck me, and I must own, that although there was no great cry, no vehement demand, for admission to the elective franchise, yet that there were many persons who wished to possess it, that those numbers would increase, and that if you went on refusing their request until at last they made their demands in a loud tone, and you then granted them, instead of increasing the peace, the quiet, and the contentment of the country, you would only teach the great masses to rely upon force and not upon reason. These were the grounds upon which, in 1851, I proposed an extension of the suffrage. In 1851, I proposed a certain franchise; in 1854, I proposed a modification of that franchise. I will not say now what that franchise ought to be at the present day. I hold that it is for the Government of the day to propose the franchise they may think right. When I sat on the bench on which the Chancellor of the Exchequer now sits I did not hesitate to propose what I thought was right, and I was ready to discuss the question in this House. On the first occasion to which I have referred the dissolution of the Government, and on the second the occurrence of war, prevented my proposals from being discussed; but I held then, as I hold now, that it is the business of the Government to make such propositions, and for the House to amend these propositions if we think fit. It is, however, for the Government to take the initiative, and the question now to be considered is simply this, whether Her Majesty's Government are right in refusing any reduction whatever of the franchise in towns so far as the occupation franchise, by value or rating, is concerned. I will only say this much, that I doubt whether the propositions I formerly made, founded upon rating, were based upon a very sound foundation, for I have certainly found that rating varies very much; that although the Poor Law Board say that £6 of gross rental may be always taken as £5 of Poor Law rating, yet that rule does not hold constantly; and, therefore, I believe that any change you may make in the £10 franchise should be of the same nature as the franchise established by the Reform Act—namely, based upon annual value. The Government refuse any change of that kind, and the right hon. Member for Oxfordshire (Mr. Henley) told us he was afraid if you established an uniform franchise, whatever it might be, and if you had no variety in the franchise, that, one day or other there would be an ugly rush in order to get over the line. Well, Sir, I believe that to be the case, and therefore I ask the House to declare that, so far as the borough franchise is concerned, some further extension is required. I have now dealt with the two points to which the Amendment I have to propose refers; but while hardly anybody stands up to say that it is right to merge the freeholders in the boroughs and to make one uniform franchise, or to refuse any reduction of the occupation franchise in boroughs, various modes of evading the argument rather than of answering it are resorted to, by which it is sought to avoid the conclusion at which I have arrived in the Amendment I am submitting to the House. Some persons say that it is irregular to prefer such an Amendment as this on the second reading of the Bill. Now, I think this objection can hardly be entertained by those hon. Gentlemen who last year supported the Resolution of his right. hon. Friend the Member for Ashton-under-Lyne (Mr. M. Gibson), because they then voted not only for a Resolution that was an Amendment to a Bill, but a Resolution which had very little reference to that Bill, and a Resolution, likewise, which was put in the place of a Bill which they approved. Everybody will recollect how very highly they approved the Conspiracy Bill, how much they applauded it on its first introduction, and how strongly the Government of my noble Friend was urged in "another place" to introduce a Bill of that kind. Yet, instead of reading that Bill a second time, they supported a Resolution which was interposed between the Bill and the proceedingo of the House. My right hon. Friend the Member for Ashton-under-Lyne said to me on that occasion, "If you dislike the Bill, you may depend upon it that if my Resolution is carried you will hear very little more of the Bill. That was to me a good reason for supporting the Resolution. What reason the right hon. Gentlemen opposite had for voting for that Resolution I do not know, but at all events their conduct was not actuated by dislike of the Bill. Now, I say at once with regard to the Bill before the House, that I consider it to be a measure of a most noxious, injurious, and dangerous character. I may be asked then why, instead of moving the Amendment I have proposed, I did not move that the Bill be read a second time this day six months? Well, Sir, I will explain the reason why I did not take that course. This Bill contains, no doubt, some proposals which are to be approved and supported. For instance, it admits £10 occupiers to the franchise in counties. It may not do so in the most convenient form, because instead of the proposition which we made in 1854, I mean those who were Members of the Earl of Aberdeen's Government—that the £10 occupier should be entitled to the franchise provided part

Lord John Russell

of the £10 qualification consisted of a £5 house—it provides that the qualification shall be lands and tenements. [An hon. MEMBER: Or tenements.] Yes, "or tenements;" but that is a delicate matter, and I will speak as to that part of the question presently. It is obvious, however, that if I or any one else, instead of proposing such a Resolution as I am submitting to the House, had simply moved that the second reading of the Bill should be rejected, it would have been said directly in this House, but much more out of doors, "You have rejected a Bill, the chief feature of which is the admission to the franchise of the £10 occupiers in counties, whom you were last year so anxious to enfranchise." Now that is not the chief feature of the Bill, and I wish to mark by this Resolution what is the principle upon which the Bill stands. It rests upon that first clause which I have read, and therefore I think it is necessary that, before proceeding to the second reading, this House should take care to express its opinion with regard to the character of that provision, which, as I have said, is the chief principle of the Bill. What course the Government would take if this Amendment were carried it is not for me to say. Undoubtedly they might change the whole character of the Bill. It would be impossible for me or any one else to do so in Committee, because I have shown you that the first clause of the Bill contains the whole principle of the measure, and if we were to negative that first clause in Committee after having agreed to the second reading of the Bill, I think the Government might justly say to us, "You have agreed to the second reading of a Bill the chief—the great—principle of which is the uniformity of the franchise, and now you strike out in Committee the clause by which that uniformity is established." I hold that the proper course to pursue is that this House should record its opinion first with regard to the proposed mode of treatment of the county freeholders whose property may be situated in boroughs, and secondly, with regard to the occupation franchise in boroughs. It is said that in Committee—and the right hon. Gentleman himself seemed rather to invite this course—all sorts of opinions may be expressed, and all kinds of clauses may be proposed; but, considering what this question is, what is its gravity and importance, and how much the right hon. Gentleman dwelt upon that gravity and importance, the proposal of throwing the whole representation of the country into hotch-potch, as it were inviting every one to make his amendment and to bring forward his clauses in Committee, is a proposal unworthy of a Government, degrading to the character of this House, and likely in the end to produce a Bill which will not be conducive to the public interest. I remember very well what were our proceedings on the Reform Bill, and I know that it was the entire confidence which a great majority of the House reposed in Lord Althorp, it was the confidence that hon. Members entertained in the steadfastness and firmness with which he would support any proposition of his own, which alone enabled the House to deal with subjects of such vast weight and importance. But if we are to go from the first clause down to the last, amending every word, excluding the boroughs from the first clause, and waiting until the end of the Committee in order to bring up a clause which will suit the boroughs—if we are upon every clause to be changing and chopping upon every clause—I am sure that the House cannot hope successfully to get through a Bill of this kind. And, then, recollect the manner in which a Bill is often treated in Committee. At a certain hour in the evening three-fourths of the House go away, and then perhaps hon. Members will come back and say, "I did not know the Committee was going to divide so soon; you have disfranchised all these freeholders without allowing me an opportunity of recording my vote or of expressing my opinion on the subject." Our only security against these inconveniences is, that there should be before the House some great question which can be properly debated, and upon which the House can come to a solemn decision. Now, I will venture to read to you what is the character of the phrase "lands and tenements." As I have said, the authors of the Reform Bill took very great care on all these subjects, and when they provided for the franchise of boroughs they made use of the words "house, shop, office, warehouse, or other buildings," and so with regard to other details. Here, however, in the very beginning of this Bill, we have "qualifications arising out of lands or tenements," and then any person "who shall be beneficially entitled . . . to an estate of inheritance in lands or tenements of freehold tenure" of not less than 40*s.* clear annual value is to have a vote in boroughs. Now I, have looked into an authority to whom unlearned people go to find their law—I mean *Blackstone's Commentaries*, where the phrase is thus explained:—

> "'Land' comprehends all things of a permanent, substantial nature, being a word of a very extensive signification, as will presently appear more at large. 'Tenement' is a word of still greater extent, and though in its vulgar acceptation it is only applied to houses and other buildings, yet in its original, proper, and legal sense it signifies everything that may be holden, provided it be of a permanent nature, whether it be of a substantial and sensible, or of an unsubstantial, ideal kind. Thus *liberum tenementum*, frank tenement or freehold, is applicable not only to land and other solid objects, but also to offices, rents, commons, and the like; and, as lands and houses are tenements, so is an advowson a tenement; and a franchise, an office, a right of common, a peerage, or other property, of the like unsubstantial kind, are all of them, legally speaking, tenements."—[2 *Blackstone*, p. 16.]

So, when they say that "land or tenements" is to give a vote in boroughs, you see how wide a door is open to every kind of abuse, to every kind of fictitious vote which may be created not by the possession of land, and what is usually understood as a tenement, but by anything which will bear this construction. Now, in law, I hold, for my part, that it is useless to go into Committee on a Bill, which in its first page and in its main provision contains so disastrous a change in the law and constitution of this country; and I confess I am not deterred from taking the course which I propose by the observations made the other evening by an hon. and learned Friend near me (Mr. Roebuck), that if we should venture to interfere with the course of the Government Bill we may have a dissolution of Parliament. I hold that it would be quite unworthy of us to pause on a question which is to affect ourselves and our descendants through fear either of a dissolution or of some threatened danger to our foreign relations. It is for the Ministers of the Crown, if we come to a vote adverse to their measure, to take the course which they may think most advisable. If they should think proper to recommend the Crown to dissolve Parliament, in order to submit this question to the people at large, I for one should not be afraid of that appeal. Let them hold this Bill up on every hustings in England, and await the response which will be made. But if agitation should thereby be increased—if a general election should give rise to demands which now have not been thought of by popular bodies, upon the Government, and not upon us, will rest the responsibility. As to the danger of a foreign war, I see with surprise in print and elsewhere that the presence of the Earl of Malmesbury at the Foreign Office is a security for peace. Now, I trust, I have never behaved unfairly towards the Earl of Malmesbury, and when he took office last year, and on a former occasion, I was disposed to look with favour on many of his proceedings. I have differed as to his conduct recently respecting Portugal; still, making no charge against the Earl of Malmesbury, when I hear that his presence at the Foreign Office is a security for peace I wonder who will be the dupes of any such assertion. Well, then, when no arguments can be advanced to overthrow the reasons given by the two right hon. Gentlemen who have seceded from office, and the reasons given over and over again at public meetings against the proposals in this Bill, it is said, as a last resource, that I must have some party or personal object in view; and that accusation comes amongst others from a person from whom I should have expected more charity, if not more candour. But, Sir, it is my duty not to attend to such charges, but to pursue the course which I think best adapted for the welfare of the country. It cannot be denied that for many years I have taken a deep interest in this question. Very long ago—so long ago, I am sorry to say, as the year 1819—I was occupied in this House in a laborious and irksome investigation into the bribery and corruption which prevailed in the borough of Grampound, with the view of disfranchising that borough and of conferring Members on Leeds, which at that time had no representation, and I ventured even to propose that the £10 householders of Leeds should be entitled to votes, a proposition which, as my hon. Friend the Member for Birmingham reminds me, excited great alarm at that time, as much alarm as is now created by the proposal to give the franchise to householders below £10. From that time to the present I have constantly taken the deepest interest in this question, and have promoted all measures which I thought tended to the free, fair, and pure representation of the people in Parliament. I am proud to think that I took that course from the conviction—I may be perhaps allowed the privilege of saying, from the deep conviction I felt of its necessity. I have the satisfaction of knowing that the Act in the passing of which I took part in 1831 and 1832 has been productive, not of those calamitous consequences which were predicted by our opponents, but of great benefits — benefits obtained not through bloodshed, not through civil war, but by peaceable and tranquil discussion, and by the legitimate influence of public opinion. Since that time slavery has been abolished; we have seen the question of tithes, which was a vexatious question between the clergy and their parishioners, amicably arranged; we have had free municipal corporations established; there has been a great reduction in the duties on Customs and in those Excise duties which pressed heavily on the masses; Protection has been given up, and Free Trade sanctioned by Parliament. These and many other benefits have flowed from the reformed Parliament, which we were told would be so fruitful in calamity and disaster, and which was to take the crown off the King's head, and shake the balance of the State. Sir, entertaining these convictions, seeing what has been done, I cannot view without alarm the proposition which is now before the House. I have endeavoured to call the attention of the House to two of the main features or rather the main deformities of this Bill. If it should continue on the table of the House, I think the measure ought to be discussed in every shape until at length, if not immediately, it is totally rejected. I shall take this course, careless of any imputations which may be cast upon me. With regard to this great question of reform, I may conclude by saying that I defended it when I was young, and I will not desert it now that I am old.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD STANLEY: Sir, in the month of April, 1835, a Resolution was moved by a noble Lord, then and now a distinguished Member of this House, to the effect "That no settlement of the Irish tithe question would be satisfactory that did not appropriate to the purposes of general education any surplus which may remain after providing for the wants of the Irish church." That Resolution was brought forward with the view of defeating a measure about to be introduced by the Government of the day. It succeeded in its object. It drove the Government from office. It placed the Mover and his political friends in the possession of power, and, having served that purpose, the principle which had been so triumphantly asserted by a majority of the House of Commons was suffered at once to fall into abeyance. [*Cries of* "No, no!"] It never was affirmed, and although nearly a quarter of a century had since elapsed no practical action whatsoever has followed the abstract principle then adopted. Now, Sir, I do not allude to this historic incident, of which the noble Lord the Member for the City of London was the hero, with the view of throwing any discredit upon him. He acted, I have no doubt—as statesmen in this country generally act—in conformity with the political exigencies of the day, and I refer to the circumstance which I have just mentioned, only because I am desirous of cautioning Members of this House—and, especially Liberal Members—that to reject a moderate measure of Reform does not necessarily insure the passing of a large measure of Reform—that in politics a lost opportunity does not always recur; and although those whose sole object is the triumph of a party may be anxious to see this Bill thrown out, without even considering what the result, so far as Reform is concerned, may be, yet independent and moderate men, in whatever part of the House they may sit, will, I feel persuaded, think twice before they reject an opportunity of dealing with this great question, more favourable in many respects than any which hereafter is likely to be afforded. There has, I believe, never been a time when, within these walls, great public questions were discussed with less acrimony, and I will say with less regard to personal and party interests than has for the last few years been the case. There never was a period when the extreme views of political parties on both sides were more strongly discountenanced out of doors than at present. Europe is at peace. No other great controversy besides that of Reform forces itself upon the attention of Parliament. There is little distress in the country, and no discontent. These are all circumstances which, in my opinion, this House would do well seriously to consider before it decides upon sanctioning a Resolution which, if carried, will lead to this practical result, that no legislation on the subject of Reform can take place during the present Session of Parliament. In saying this, I am well aware, Sir, that there may be those who do not desire to see this question settled, who think the time is not ripe for large changes, and who despise all changes which are not large. They know that in the present temper of Parliament and of the country what is called a large and sweeping measure of Reform could not pass, and they are not inclined to accept any measure which does not meet their views in that respect. To such politicians as those there is nothing more distasteful than the fact that every political party stands pledged to Reform. They know that popular passions can be roused only by decided opposition to popular demands, and they do not like concession, because in it they see security against agitation. That however, is not, in any sense, a Conservative policy, nor do I believe it can be described as a Liberal policy in the true sense of that word. If it should succeed, it is a policy fraught with danger to the public peace. If it fails—as, in the present temper of public opinion, will probably be the case—it can only lead to an indefinite postponement of political improvement, and to an indefinite waste of the public time. I cannot, under these circumstances, think the principle which it involves is one to which this House is likely to give its assent. I assume, indeed, that it is the general feeling and wish of the House that some measure of Reform should, during the present Session, be passed into a law. The noble Lord who has just spoken, it is true, has asked—although I must admit that he merely adverted to the subject in passing—what business the present Ministry have to bring in a Reform Bill. The answer which I might give to that question is the plain and obvious one that, if it be a political necessity that such a measure should be passed—if it be for the interests of the country that it should be no longer postponed—then it becomes the duty of those who happen for the time being to be charged with the conduct of the Administration, be they who they may, not to shrink from introducing and doing their utmost to pass such a measure. But I go farther, and I refer to the gradual approximation which has taken place in political feeling among public men during the last few years, as one of the characteristic features of the time in which we live. And, apart from that consideration, I contend that if we find any class of the community which is excluded from the franchise, which is in consequence dissatisfied, and which we think may wisely and safely be intrusted with it, the admission of such a class to its exercise is not only a wise but a Conservative policy in the best and truest sense of that word. But we are asked if it be possible that those who are now charged with the duty of conducting the Government of the country are sincere in their endeavours to effect a settlement of this question? My reply is, that I know of nothing in their antecedents which could justify the impression that the contrary is the case. I appeal in support of that view not to professions, but to acts. Eight years have elapsed since this subject has been brought under the notice of Parliament subsequent to 1832. In the year 1851 a Reform Bill was framed. In 1852 it was brought into this House, and immediately afterwards disappeared altogether. In 1854 the same course was adopted, and with the same result. It is only under the auspices of the present Government, therefore, after eight years of promises evaded and measures withdrawn, that an issue upon this great question is about to be taken, and that you are asked to give a vote on the second reading of a Reform Bill. I do not think it necessary to deal with the charges of inconsistency and insincerity by which our efforts in this direction are assailed. [Lord John Russell intimated that he had made no such charges.] I have heard them from other quarters, and it is difficult, in dealing with topics of this nature, to refrain from alluding to objections which have been urged against the passing of the present measure, although they may not have been put forward in the speech to which we have just listened. But what the noble Lord did say was, that the Government were in a minority in this House, and were therefore not in a position to deal with a question of this importance. Now, it seems to me to be a very difficult thing indeed to know what at the present day is meant by saying that a Government has not a majority in this House. The state of things which has prevailed during the last few years has tended — and I do not complain that it is so — to cause Government in this country to rely less and less upon the numerical strength of its pledged supporters, and more and more upon the character of the measures which they bring forward. The political features of our day, therefore, satisfactorily dispose, in my opinion, of the doctrine that the present Ministry, even though they may not command a majority here, have no right to deal with this question of Reform. Well, that being so, what, let me ask, are the objections which the noble Lord and others urge against the Bill, for it is impossible to confine the issue to what has been stated here? The principal objections urged against the Bill are that it excludes the working classes from its operation, inasmuch as it retains the borough franchise at £10; that it does not deal comprehensively with the case of the small boroughs, that it restores outvoters in boroughs, by doing away with the obligation to reside; and that it establishes identity of franchise in town and country, by transferring prospectively the freeholders in boroughs to the borough from the county. But before entering on these questions I must remark on the manner in which the opposition of the noble Lord to this Bill is conducted. The object of the Resolution is obviously to prevent the House from expressing an opinion as to the second reading of the Bill. I can well understand that the noble Lord and those who act with him should object to a vote being taken upon the second reading. I dare say they have good reasons for their objection, and this Resolution is framed —and very ingeniously framed I must say it is — in such a manner as to secure the support of those who, while disapproving of some particular portions of the measure, are still not prepared to reject it as a whole, and to place those who defend it in a false position, by calling upon them to consider exclusively those provisions of the Bill against which, rightly or wrongly, it is thought that popular opinion may be strongly directed, and by preventing them from dealing with any other part of the measure. If it were desired to obtain from the House an unbiassed verdict upon the merits of the Bill, I think reasonable objection might be made to the course which it is proposed to take as being contrary to justice and fairness. We might say, if the merits of the Bill were alone in question, "Form your judgment upon it as a whole; accept the second reading or condemn it, decide now the principle, and consider the details in Committee." But when the noble Lord compares the Resolution which he is now moving with that which last year led to a change of Administration, I must say I think the analogy is in one respect at least quite accurate. The Motion of February last year was brought forward avowedly and expressly as a vote of censure upon the Government of the day. [*Cries of* "No," and "Hear!"] I am told that was not the case; but if it was not proposed as a vote of censure, I must ask was it not accepted as such? I do not complain that a similar course has been taken now, but I state that which we all know, that in this debate the merits of the Bill before us will not be the only question discussed; that the question sought to be raised is, not whether this Bill shall pass into law, but whether political power shall pass into other hands. That is the challenge which I, upon the part of the Government, am ready to accept. That is the issue which, by the event of this debate, must be decided. Looking upon it in that light, I am not disposed to criticise the particular form in which the vote will be taken; and I allow that a course, which would be utterly unfair as a test of the merits of the Bill, becomes a natural, and perhaps a legitimate piece of party tactics. But we are told that the adoption of the Resolution is not necessarily fatal to the Bill, and that even if the Resolution be carried, the Bill may be brought to a second reading. I know that that suggestion comes from one who is a very competent judge or such points of Parliamentary tactics, but the noble Lord must allow us—who sit upon these benches—to be the best judges of what we consider to be due to our self-respect and our own honour. No doubt the India Bill of last year was proceeded with after Resolutions had been moved, embodying its principal provisions, and some say, Why not pursue the same course now? Why not accept this Resolution as a guide in shaping the Bill when it comes into Committee? But I reply, that the circumstances of last year in connection with the India Bill were of a purely exceptional character, and have little analogy with the present. The Home Government of India had before the entry into office of the present Government been condemned by the Ministers who preceded them. A Bill was proposed for the transference of the government of India without check or control to the Crown, which was equally condemned by public opinion. Another Bill upon the same subject was brought in by the present Government, which no doubt failed to command the support of this House. Under those circumstances, feeling that it was important that the Home Government of India should not be allowed to remain in abeyance at a time when civil war was raging in India, we accepted what we felt was a necessity in that emergency and adopted the method of proceeding by Resolution, which resulted in the passing of a measure. I think that in adopting that course, in order to avoid great public embarrassment, the Government were perfectly justified; but there are many things that may be done once—many steps which it may be legitimate to take under the pressure of emergency, which ought not to be drawn into a general precedent. I say, then, I am expressing the feelings of my colleagues, and I believe also of all those who support this measure, when I declare that the adoption of the Resolution proposed by the noble Lord must necessarily be fatal to the Bill. Now, referring to the noble Lord's objection that by this Bill the working classes are excluded, I might ask two questions—first, what does the noble Lord mean by the working classes; and next, what does he mean by "exclusion?" There is nothing in England so impossible to define as a class, and the term "the working class" is the vaguest of all, because it may be confined to the very humblest grade of society, or it may extend almost indefinitely upwards. But, taking the term in its ordinary sense, and considering it as applying to those who live by the labour of their hands, I say there are many belonging to that class who will come within the scope of the principles laid down in this Bill—by the personal property qualification, by the lodger franchise, and by the franchise in respect to deposits in savings' banks which we propose. One of the chief defects of the present state of the law is, I apprehend, not so much that the 40*s*. freeholds are above the reach of the working classes, because those freeholds can be purchased for £50, and have been bought for less, but because by conferring the franchise in respect of property held in that form alone, you compel a man to invest his savings in a manner sometimes unattainable, and when attainable often inconvenient. In regard of the qualification required, I am not unwilling to compare the provisions of this Bill with those of the Bill proposed by the noble Lord in 1854. What did the Bill of the noble Lord in 1854 propose to do? It did not touch the case of lodgers, but it dealt with the franchise connected with personal property, and I admit that it only required £50 in a savings' bank, whereas we require £60. But there was a provision in the noble Lord's Bill that the voter must have had the sum of £50 for three years before he should be allowed to vote. We know that it would take two years to invest that amount in a savings' bank, and there was a provision that in the event of a change of residence to another locality an additional twelve months was required, so that a man entitled to a vote under that Bill would be five years without obtaining his vote, and might possibly be more. Under the provisions of the present Bill the franchise will be granted not in five years, but in two years. Objections have been taken to this form of giving the franchise, and it has been said that it is a hard thing if a man is compelled by the wants of his family or other circumstances to withdraw his money from the savings' banks, that therefore he should lose his vote, although he would be just as worthy a member of society. Now, I reply that, whatever may be the value of that objection, it is one that applies equally to every kind of property qualification. If a man is compelled to sell his freehold he loses his vote in respect of it; if he leaves his £10 house and goes to reside in one of inferior value, he also loses his vote; and, therefore, the objection applies to all property qualification whatever; and if we get rid of property qualification we are practically thrown back upon universal suffrage. Then something has been said of the danger of the creation of fictitious deposits, but I think it can be shown—perhaps better in Committee than just now—that whatever danger there may be in that respect exists equally in the case of the immemorial franchise conferred by the 40*s*. freeholds. It is possible, no doubt, that a wealthy man who desires to create votes, may lend money to another for investment in a savings' bank, in order to obtain the franchise for him; but so it is in the case of 40*s*. freeholds, and it is much easier to be done in their case, because then the title-deeds remain in the hands of the person who creates the vote, whereas if the money is lent to create a savings' bank franchise, it is necessarily invested in the name of the person who is to give the vote, and can only be drawn out by him. While I support the principle of qualification by personal property, as proposed by Government, I may say at once that I lay no particular stress upon £60 as the sum to be invested. I think the value of the qualification consists not in the amount the voter may have invested, but in the evidence which it gives of his industry and frugality. The principle is, I apprehend, not to put the amount so high, as to be beyond the reach of the working man, and at the same time not to put it so low that it can be gained without the exercise of prudence and industry. That is the principle which is laid down in this Bill; that is the object we have aimed at. If there be any objections as the machinery which is proposed, that is a proper subject for consideration in Committee. When it is said that by retaining the borough franchise at £10, the working classes are excluded, I apprehend that what is intended is, that they are not admitted in a body. It is not a question whether they should be shut out altogether—no one wishes that—but whether they should be admitted indiscriminately — the ignorant with the educated, the idle with the industrious, the man who spends, as well as the man who saves? Now, I think and speak with all respect and sympathy for those whose lot it is to live by labour, and if a large minority of those who are styled the working classes cannot read or write, I am willing to admit that the fault is far less theirs than that of the classes above them. But although the inability to read and write may not be a fault, it may be a disqualification; and the difficulty of admitting the working classes is, that if you admit them in a body you must do it to such an extent that by their numbers they will overbear every other class. The difficulty, therefore, is—and it presses equally upon all who undertake to bring forward a measure of Reform—that with regard to the working classes you should hit the medium between giving them an overpowering share in the representation, and excluding them altogether. I have seen some ingenious speculations put forth that a certain small number of Members should be returned by the working classes of all England collectively, while others have recommended that in certain large towns the franchise should be exceptionally lowered, so as to have a representation of the working classes in those towns. But we cannot help feeling instinctively that these are merely speculative expedients, which cannot be put into practice. They do not meet the real difficulty of the case; and that is, how to admit the working classes on any principle of selection to a share of the representation without admitting them indiscriminately as a body. Are these illiberal or retrograde views? Are they the views of Conservatives alone? On the contrary, they are not confined to those who sit on this side of the House. If there be in this country one man more than another who has laboured in the cause of human thought and human progress—if there be one man more than another who belives in the future of mankind, and who is not inclined to look back to the past with any superstitious feeling of veneration, that man is John Stuart Mill. Now, Mr. Mill has written a pamphlet within the last few weeks, in which he expresses the view that the most satisfactory condition of society would be one under which every man should have a vote, but that it would be only possible or expedient on condition that educated men, according to the measure of their position and acquirements, should have five or six; and Mr. Mill says that without some qualification of that kind, he believes that any general admission of the working classes is impossible. I am not fond of substituting authorities for arguments, and there is only one other witness I will call. There are many hon. Members of this House, and many more of the working classes, who are familiar with the name of Mr. Holyoake. He is chiefly known in connection with philosophical speculations of an unpopular character, and also as warmly and earnestly sympathizing with the cause of democratic institutions in Europe. No one is a more fitting representative in that respect of the feelings of that section of the working class which interests itself most strongly in politics. [*Cries of* "Oh, oh!" Mr. Holyoake may fairly be taken to represent the feeling of persons of extreme political opinions, and it is with his political opinions alone with which I have to do. Well, what is it that Mr. Holyoake says in a pamphlet published within the last few weeks?

> "Who cares," he asks, "to give votes to the selfish, the ignorant, the apathetic? Not more than one man in 100 in this country gives time, money, serious thought, or takes an earnest part in public affairs. Why should any one die of exhaustion in endeavouring to enfranchise so many as comprise a mere apathetic mob, who put no value on a vote? At the same time many would work hard and long that even a limited number of men, intelligent and earnest, who desire to take part in securing the well-being of their country, should be enabled to do so. Now, any mere mechanical suffrage founded on rating, or rent, or occupation, will, as the existing suffrage does, include many utterly worthless persons, and exclude

numerous deserving, intelligent, but poor men, who might by a simple expedient be included. What is wanted is an expansive suffrage, which shall be open to the worthy, and shut out the unfit."

Mr. Holyoake then proposes an educational test. I quote the passage because I agree with him in the general tenour of his remarks, and he fairly expresses the principle that I have endeavoured to establish, admission of the working class by selection and not in mass. There are two tests by applying which that principle may be carried out. The educational test is new in this country, and no Government has yet ventured to apply it, so far as the working class are concerned, and we therefore come to the other—the test of a personal property qualification. We think that the possession of some property in the hands of a man who has earned it by his labour is evidence of industry, of self-control, of good moral character. With the details of the machinery employed you are not now dealing. If the machinery we have adopted is good, employ it; if defective, amend it; but upon the principle laid down by us, we confidently ask the verdict of this House — namely, the admission of the working classes by some principle of selection, and not indiscriminately and at hazard. I come now, Sir, to the question that has been so often raised relative to the disfranchisement of the small boroughs. This controversy lies, in fact, within narrow limits. No one wishes to see a system of equal electoral districts, and the only practical question before us was whether fifty, sixty, seventy, or eighty small boroughs should be disfranchised, and their seats distributed among the large towns and counties. I am not about to enter upon the argument whether these very small boroughs (whatever incidental advantages they may possess) ought, or ought not, to form a permanent part of our political system. I admit, that it appears to me difficult, if not impossible, to defend them on grounds of principle as a permanent part of our constitution. But I look at the matter in a practical point of view, and I ask if a large measure of disfranchisement had been contemplated by the present Bill what would have been the result? Why, besides those who oppose all Reform on principle (if any such exist), and besides those who would oppose this Bill for not going far enough, there would have been arrayed naturally against this Bill the representatives of those fifty or sixty small boroughs, who, combining with other opponents, would undoubtedly have ensured its rejection. I believe that the practical difficulty arising from that opposition would have been fatal to the success of this Bill; and as the object of the Government was not to make the best Bill that could be framed, but the best that had a chance of passing this House, I contend that that fact is in itself a sufficient vindication of the course we have followed. But another difficulty would have arisen. If the disfranchisement had been large, the question would have arisen, "What are you to do with the vacant seats?" You would then have opened up the whole controversy as to the share of representation to which counties and boroughs are respectively entitled. I believe that even under the present law the claims of the counties are stronger than those of the boroughs: But if the principle of this Bill as to uniformity of franchise be accepted you raise it in a form in which the claim of the counties becomes much stronger than ever it was before. So long as you had borough voters with a qualification of £10 and county voters of £50 it might be argued, that an exact comparison between the numerical proportion in which boroughs and counties were represented was unjust, for that the boroughs alone represented the £10 householder whether resident in borough or county, since he had no share in voting for the county Members. But that plea is done away by the uniformity of franchise, and when you have the same constituency both in boroughs and counties, it seems impossible to refute the reasoning used by my right hon. Friend (the Chancellor of the Exchequer), which proves that the representation of the counties, calculated on a strict numerical basis, is utterly inadequate. That principle was admitted by the noble Lord the Member for the City of London in the Bill of 1854, not at all to the satisfaction of his political friends. But then, if we had followed the example of the noble Lord, the question would have stood in this way — that a large change being about to be made the counties who do not ask it must in justice have the principal benefit, while the towns from which the demand arises would be affected in a comparatively small degree, and will have a very small share of the new representation. For these two reasons —the difficulty of disfranchisement, and the difficulty of distributing the seats— we thought it better not to attempt to deal with the subject, except so far as the pressing exigency of the times demanded. The next objection to the Bill is the restoration of out-voters in boroughs. It is argued that their abolition at the time of the first Reform Bill was an acknowledged benefit, and, therefore, that their restoration is an abuse. I accept the premisses, but I deny the conclusion. I am ready to admit that it was politic in 1832 to do away with out-voters; but why? Because at that time the payment of travelling expenses by a candidate was permitted, and, the means of communication being very different then from what they are now, these expenses, whether they fell on the candidate or on the voter, necessarily constituted a very heavy tax on the one or the other for the performance of a public duty. But in this Bill it is proposed that the payment of these expenses by the candidate should cease, and if the House will sanction the system of voting papers, or any system by which voters shall not be compelled to travel to the poll, that difficulty of travelling expenses and the objection to out-voters derived from it will be entirely done away with. But, whether the House sanctions that plan of voting papers or not, two things are equally clear—first, that these expenses are far less than they were in 1832; and next, that they will not fall on the candidate, which was the principal ground of complaint. But I am ready to contend, further, that this theory of requiring residence from a voter is unfitted to the ideas and habits of the present time, because it assumes that a man's interest in respect to which he votes must necessarily be there alone where he happens to reside. We know that hundreds and thousands of persons whose business lies in towns are in the habit of residing along the great lines of railways, often at a considerable distance from their places of business. That is one of the features of the social life of our time which it is impossible to ignore. Then, again, if you are to require residence in boroughs, why should you not require it as a qualification for counties also? The argument for requiring it in counties is much stronger than in the case of boroughs, because there the area within which the voter may reside is larger and the restriction is consequently less felt. It is no answer to say that occupation, which implies residence, is the qualification for boroughs and ownership for counties, since that distinction ceased to exist when the Chandos clause was passed. If you are to draw such a distinction you must base it on some clear, intelligible rule, and if no such rule can be laid down the alternative is either to require residence in both town and country, or to dispense with it in both. The last alternative I believe is the best, since by it no person would be disfranchised, and in a country where the territorial area is so limited, and the means of locomotion so great, the theory that residence is essential to having an interest in a locality has ceased altogether to apply. It has been argued that to do away with this requirement would give facilities for the manufacture of a number of fictitious votes which would swamp the resident electors; but in the sixth clause of this Bill there is a proviso which will have a considerable effect in checking any such practices. It is there stipulated that, with certain exceptions, not more than two votes shall be allowed in regard to the same tenement. I believe it is the habit, when fictitious votes of this kind are to be created on a large scale, not to give distinct ownership of freeholds, but to create joint ownership, and to give a number of rent charges upon the same property. I come now to that feature of the Bill in which more than any other its principle may be said to be involved, and against which the principal attacks of the noble Lord were directed—the identity or uniformity of borough and county franchise. I quite agree with the noble Lord that we ought to consider that principle without any reference to the particular amount at which the franchise may be fixed. The question is, is it or is it not right that the franchise should be made equal and uniform in towns and counties—or ought that distinction, which I admit has existed from the earliest period of our history, still to be retained? The first plea which I offer for the identity of the suffrage is, that unless you adopt it you will always have a dissatisfied class. However low you put the franchise—say you take a £10 franchise in counties and household suffrage or rating suffrage in towns—clearly those inhabitants of counties who, if they had lived within the limits of a borough, would have been entitled to the franchise, but who, living beyond those limits, are excluded, will complain that they are overlooked and unfairly treated; that the distinction thus drawn is an unfair one, and they will set on foot a new agitation for a further reform. It is not an agreeable thing to be excluded from the franchise; but exclusion on the ground of the want of some general qualification is at least intelligible, and can be understood even by those who think that they have a right to complain; but to shut a man out because he lives on one side of a street while his neighbour, who lives on the other, has a vote—and we know that the boundaries of boroughs are drawn as arbitrarily as this—must appear capricious, oppressive, and even incomprehensible. The lower you carry the franchise in boroughs the more will this grievance be felt, because the class becomes larger of those which, if they lived in boroughs would be admitted, but who, living beyond the limits of a borough, are excluded. I say, then, that no measure which does not assimilate these franchises can really stop agitation for a further extension. But I go further, and ask what is the theory, the principle, on which this distinction of the two franchises rests? I have a right to call on those who support it for their defence, because one may safely assume that no person now creating an electoral system for the first time would propose to fix two unequal franchises, divided by purely arbitrary lines of demarcation. I know, of course, what is supposed to be the constitutional answer given to this inquiry. It is said, "the franchise in counties is based on ownership, and represents the permanent interests of property; the franchise in boroughs is based on occupation, and represents temporary or fluctuating interests." On that distinction I have more than one comment to make. Assuming it to be true, its maintenance is hardly expedient. I cannot conceive a more clumsy arrangement, nor one more likely to bring different classes into collision, than to say that so many Members of this House are to be considered as representing property, and property alone, while so many others represent occupancy, and occupancy alone. These sharp lines of demarcation are always dangerous. There is another fault in it, perhaps more important still. In effect it ignores every form of property except real property. A man, for example, may have an independent fortune, say of £10,000 in the Funds, and living in a hired house, he will be held not to represent property, but occupation only. But if out of his £10,000 he set aside £50 and buys a 40*s*. freehold, he passes at once from one class to another; and, though all the rest of his fortune only entitles him to be considered as representing occupancy, the £50 places him in a different class and ranks him among those who represent property. Nothing can be more preposterous. Again, this scheme of separating boroughs from counties fails entirely in its application in this respect—that it never has been consistently carried out; for if, on the one hand, you say that a 40*s*. freeholder, wherever he may reside, shall be entitled to a vote for the county, it follows from analogy, almost as an inevitable consequence, that the £10 occupier, wherever he may reside, shall be entitled to vote, not for the county, but for the nearest town. But that provision has never been contemplated, and could not now be introduced into any Bill. But if this were the case before 1832, if even then this alleged distinction between the representatives of ownership and the representatives of occupation was asserted only in a partial and incomplete manner, the inconsistency becomes much greater since the Chandos clause was passed. For the last twenty-seven years you have admitted occupation as giving a right to vote for counties. You have broken down the wall of separation which formerly existed, and I defy any one to say on what clear, intelligible ground that distinction is now maintained. It does not even rest on any general rule or understanding that the qualification shall be higher in counties than in boroughs, because, though you now exclude £10 householders from votes for the counties, you admit the 40*s*. freeholder, who undoubtedly stands no higher in the social scale. But other reasons exist why the distinction cannot be maintained. In order to maintain it you must be able to draw an exact line of separation between town and country; you must be able to say that all on one side is town and all on the other country. But that is exactly what you cannot do. Take the case of London;—who can say precisely where London ends and the county of Middlesex begins? Take Liverpool, Birmingham, Manchester, or any other densely peopled city, it is the same. You have long lines of suburbs stretching out along roads and railways far beyond the limits of the borough, yet all having the town for their centre. In some parts of England, again, you have boroughs that are in effect small counties; in other parts boroughs that do not include more than a part of the town in which they are situated; and in others large districts densely peopled, yet not capable of being included within the limits of a borough. That is the state of things existing at the present day, and with the growth of our population that condition of things is likely to go on increasing. In many parts of England the distinction between town and country is one much more of degree than of kind. Some have a denser population, others are more scattered; that is the only difference. The distinction may be more easily drawn in some parts of England than in others, but it is one which it is impossible to establish by a general rule. But there is another point of view from which this question of identical suffrage may be considered. By adopting it as a principle, the disfranchisement of small and decayed boroughs — ultimately inevitable as new towns arise requiring to be represented—becomes at once less important and less difficult. At present, when you disfranchise a borough, you take away the votes of the £10 householders within it, and you don't give them votes for the county. They naturally object, and the difficulty of the process is greatly increased by their resistance. On the other hand, when you enfranchise a town you give votes to a large class which did not previously possess them. But, under a system of uniform suffrage, the only result of disfranchisement is to transfer the votes of the borough disfranchised into the county; the only result of enfranchisement is that you take a certain number of votes out of the county, and make them into a separate constituency. Both the demand for enfranchisement would be greatly diminished, and the fear of disfranchisement greatly increased, and thus a partial solution would be offered of a question which has given, and may again give, rise to a great deal of agitation. I now come to another part of the Bill, to which the noble Lord objected in language of so much indignation, the transfer of freehold votes in boroughs from the counties to the towns. Let me here say that I regret that the Amendment by which the life interests in these freeholds are to be respected did not originally form part of the Bill. Reserving such interests is an ordinary practice, as in the case of freemen of boroughs; and there is no departure from a principle in making temporary exceptions to its application. I cannot help lamenting that many persons out of doors, and, possibly, some in this House, do not appear perfectly to understand the nature of the change proposed. It is represented as a proposal to disfranchise by Act of Parliament hard-working men who have held the right of voting for many generations. Now, how does the Bill really operate? In the case of a county freeholder who does not vote for a borough though living within it there is no disfranchisement whatever. He only had one vote before, and he retains that vote still. And, in point of fact, the amount of political power possessed by the county voter who is transferred to a borough is greatly increased. The county constituencies are very much larger than those of the boroughs; and we know that the value of an individual vote depends on the smallness of the constituency. You take the voter from a constituency where he is one in 5,000, who return two Members, and you put him where he is one of 500 who return two Members; practically, therefore, by that change, his power of affecting the representation is increased tenfold. In the case of the freeholder having two votes,—one for the county, and one for a borough,—and whom, after the life of the existing holder, you transfer to the borough alone, no doubt, in that case, you take away one vote. But the question is, whether upon any intelligible or defensible principle of representation, he has a claim to the other vote. If any man has a dozen freehold qualifications in a county do you allow him to have a dozen votes? No; he has only one. The duplicate vote of the borough freeholder rests, I contend, on custom and tradition, it is only an accident of our political system,—not an essential feature of it. It is hardly worth while to advert to charges of interested and party motives having influenced this transfer. We have been told we "want to cripple the operations of the freehold land societies, because they interfere with landlords." Now, first, there can be no object to induce any action against those societies, because, as far as we can ascertain, their voters are very equally divided between the two great political parties. In the next place, these societies are not crippled, because it is just as easy to buy land beyond the limits of a Parliamentary borough as within them, in which case the votes remain unaffected by this Bill; and, lastly, it is a singular mode of attempting to diminish the political power of a class of voters when, as I have just shown, by transferring them to boroughs that power is actually increased. And now one word as to the term "disfranchisement;" it has been much used in reference to this Bill, but not with much accuracy. I suppose it means depriving a man of the right of voting; but under the provisions of the Bill not one man will be deprived of that right; the constituencies will not be narrowed by a single voter; there is a transfer of votes, indeed, and a loss of second votes, but not one individual will be struck off the register. Disfranchisement, therefore, in the true sense of the word, has no place in this Bill. But, independently of that consideration, the effect of these clauses will be much less than is generally supposed. There are now about 95,000 freeholders residing within the limits of boroughs; we cannot pretend to any certainty on this point; but we believe that rather less than half of these have one vote only; these are not disfranchised, —only transferred. The remainder, who have a second vote, will prospectively lose it, but only when, by the operation of other parts of the Bill, a great number of new voters are brought on the list. We have heard much of the smallness of this measure; but to the 900,000 voters now existing the Bill will add 200,000 £10 occupiers in counties. It is hardly possible to get at the number added by the savings' bank, educational, and other franchises, but I think that this addition of 200,000 voters to which I have referred, may by the new franchises be extended to 100,000 more. If the amount of personal property on which a qualification is given is thought too great, that is a point for future consideration; a principle is laid down in the Bill on which, by after Amendments, the constituencies can be still further extended. I believe, looking at the question in a practical point of view, that the choice at the present time lies between a comparatively small Bill and no Bill whatever. I am certain that any attempt to carry through Parliament a large measure of Reform at the present time would share the fate of the measures of 1852 and 1854. It would fail, and for this reason—that the working classes are not now pressing in the same manner as they did twenty-seven years ago for the possession of political power, and that the middle classes, having a much larger share of political power than they then possessed, are not disposed to part with it. We hear it sometimes assumed that the Government of this country is exclusively or mainly in the hands of the landed aristocracy, I apprehend that is an entire mistake. I believe that practically, ever since the passing of the Act of 1832, what is called the "middle class" has exercised the preponderating power in our Government. Even the Act of 1832 did not create that power, it merely recognized and embodied in the political institutions of the country that which it found already existing. In all countries the importance which belongs to the middle class and the amount of social influence which it possesses have been taken as a fair test of national progress. In England it is that class which has always most strenuously vindicated the principle of personal freedom, both against Royal prerogative and ecclesiastical power. It is that class which has given us Protestantism in religion and constitutional government in the State. It is that class which has laboured to protect the finances of England against the extravagance of armies and of Courts, and which has striven to preserve the peace of England when endangered by the popular passion for war. It is by that class that British trade has been extended over every quarter of the globe, that British shipping has been sent into every sea, that India has been conquered, America and Australia colonized, Liverpool and Manchester created. I see nothing in the manner in which the Members of that class have used the preponderance of political power vested in them during the last twenty-five years to make me believe that they are unworthy to possess it still. It may be right that they should share that power. It is not right that they should lose it; and lose it they will if by an indiscriminate extension of the franchise (for you will find it no easier to stop at £6 than at £10, and what you give to the boroughs you will not be able to withhold from the counties) you should place every class in subordination to one, and that one by no fault of its own, but by the nature and the necessity of the case, the least independent and the least instructed.

MR. H. G. STURT said, he rose as a county Member, and as a representative of a large agricultural constituency, to endeavour to express briefly and clearly, so far as it lay in his power, the opinions which he entertained of the measure before the House. He certainly rejoiced to find that the noble Earl at the head of Her Majesty's Government had had the moral courage to come forward and grapple with this question of Parliamentary Reform, a subject which had been hanging over the heads of the people for so many years; but he regretted that the noble Earl did not go a little further, and through his representatives in that House lay a Bill upon the table likely to meet and satisfy the just expectations of the people. He recollected reading, some seven or eight years ago, a speech from his noble Friend the Secretary for India to his constituents at King's Lynn, and his noble Friend, after touching, in his usual eloquent and impressive way, upon various subjects, addressed himself to the subject of Parliamentary Reform, and spoke somewhat to this effect. His noble Friend said, "that he, for one, was opposed to piecemeal legislation in the matter of Reform of the representation of the people; and he heartily hoped that when that important subject should be introduced to the House of Commons the measure would be full and comprehensive, and one which would be satisfactory to the country." He (Mr. Sturt) quite agreed with his noble Friend, and he would endorse those sentiments which at that time he so eloquently expressed. But he believed he should be justified in saying now, that if his noble Friend's opinions had not materially changed, they were at least very much modified, and he would ask his noble Friend now whether he was not perfectly well aware that this Bill of the Government, of which he was a Member, that this Bill, of which he was the able advocate and clear exponent, instead of being accepted throughout the land as a settlement of this difficult question, had not been merely the signal for renewed agitation and excitement? He confessed he had read, for he was not present to hear, the extraordinary speech of his right hon. Friend the Chancellor of the Exchequer, when he introduced this subject to the House with considerable astonishment. He wondered that his right hon. Friend, who was second to no man for political sagacity, and who was inferior to no man in that Assembly for political insight, could, in this year of 1859, gravely and coolly propose to the House of Commons to deprive one hundred thousand honest, intelligent, and he (Mr. Sturt) believed loyal and patriotic, freeholders of the inestimable privilege of the franchise. He was obliged to look about him for a reason for so extraordinary a course on the part of his right hon. Friend. The hon. Member for Manchester (Mr. Bright) was doubtless quite right when he said that the proposition to which he alluded was thrown as a sop to the county Members on the Government side of the House. Now, he had no doubt that that sop, as it was called, was well intended; that it was meant as a compliment; but he could not think the proposition a complimentary one to the county Members, and he was one of them himself. Why had not his hon. Friends around him looked at the matter in a proper light—in the light in which he had viewed it? The proposition seemed to him to be a political insult to his constituents; and he, for one, protested against a scheme so unjust, so unfair, and so manifestly unconstitutional. What had his hon. Friends done? They took the sop, and when they got it they did not like it. His hon. Friend the Member for Somersetshire (Mr. Miles)—generous man!—came down and moved an Amendment to protect what he called existing rights—an Amendment which he (Mr. Sturt) had no hesitation in pronouncing as nothing more nor less than a miserable compromise. And his right hon. Friend the Chancellor of the Exchequer, forgetting that it was never worth while to make two bites of a cherry, accepted the Amendment of his hon. Friend the Member for Somersetshire, thereby compelling him to place the proposal of the Government in the same category. He was well aware—he was not now speaking individually, for that might be personal, but he was speaking generally—that in that House the county Members were not supposed to possess very expansive intellects, or very comprehensive and enlightened minds. And having mixed much with them during the last six weeks, and had numerous and animated discussions with them on this subject, he must say he really was rather inclined to that opinion. He now wanted to ask his hon. Friends around him in public, as he had already over and over again asked them in private, why were they so afraid of the people of this country? What had the people done during the last twenty years to fill the county Members with such an amount of alarm? Had they done anything to excite suspicion or justify timidity? Had not the decent and loyal behaviour of what were called the masses of England been the theme of admiration throughout the whole world? He knew all the arguments about undermining the Throne and destroying the constitution. But he did not believe in them. He shared in no such apprehensions, he laboured under no such hallucinations. He had faith in the people of this country. It was in consequence of his faith in the people of this country that made him protest against any tampering directly or indirectly with what were their acknowledged constitutional rights. He did so protest, because he was a Conservative. [An hon. MEMBER: Hear, hear!] Yes, because he was a Conservative; and he would tell that hon. Member who cheered him so melodiously that more worthy of the name Conservative was that man who advanced with the times in which he lived, and who supported progressive improvement, than that man who had no trust in the people, and who upon all occasions was to be found recording his vote and raising his voice in favour of a standstill or a retrograde policy. Again he would repeat he so protested because he was a Conservative; and, moreover, when the time arrived he would also record his vote in favour of extending the borough franchise; because in his conscience he believed that at that moment there were thousands and tens of thousands of the working classes—and he knew what the working classes were, although the noble Lord (Lord Stanley) appeared to be ignorant upon the subject—excluded from that right to which their intelligence and education so eminently entitled them; and having said thus much, perhaps the House would bear with him for a moment longer while he explained his reason for the vote he was about to give, because if he were not permitted to do so he feared he should be presented to the House and his constituents in the unenviable and somewhat humiliating position of a person negativing by his conduct the very principles he had professed. As an individual Member, but in concert, he believed, with the wishes of the majority of the Members in that House, he was exceedingly anxious to see a fair and ample measure of Reform passed through both Houses of Parliament during the present Session. And the question naturally suggested itself to him whether he should be obtaining that object by voting in favour of the noble Lord's Amendment. He thought not; because he believed if that Amendment were carried all chance of obtaining a Reform Bill during the present Session would be irretrievably lost. And whatever his noble Friend might say against such a proposal surely it was in the power of any hon. Member of that House to move in Committee Resolutions embodying the same principles as those upon which the Amendment was based. Surely Her Majesty's Government had during their tenure of office shown no great disinclination to advance half-way, and meet the wishes of the majority of this House, and he could not see any reason why this Bill, after one or two omissions, and two or three alterations, and three or four additions, should not be modified into a Bill consonant with the feelings of that House and the country at large. Such was his opinion of the proposed measure; but he would say a few words upon the question of party, which he feared would somewhat predominate during the present debate. He desired to ask hon. Members on the opposite side of the House, what advantage they were likely to derive from joining with the noble Lord the Member for the City of London in what he must call his extremely dexterous party move. They were a disunited party. To those hon. Gentlemen who shook their heads he would just mention one word—namely, the ballot; he was quite convinced that those hon. Gentlemen who sat below the gangway would make the ballot question a *sine quâ non* for their acquiescence to any measure of Reform. Believing that no good would result to the country or to any party by agreeing to the noble Lord's Amendment, he should vote against it and in favour of the second reading of the proposed Bill. He had to thank the House for the kind indulgence it had extended to him. He believed he had not trespassed beyond the proper bounds of Parliamentary debate; he hoped he had not hurt the feelings of any of his right hon. Friends, and he trusted he had not quite petrified his hon. Friends around him by aught that he had said. He would only further state that he had addressed the House as a free and independent Member, having no ambition to gratify, and animated only by the wish—which, he was sure, guided every Member of that assembly—to secure to the utmost extent the safety, honour, and welfare of his native country.

VISCOUNT BURY said, he must congratulate Her Majesty's Government on the accession to their ranks of the hon. Gentleman the Member for Worcestershire. He thought it was Mr. Fox who, contesting an election on one occasion, was told by one of his constituents, "I admire your sentiments, but hang your principles." He would make the same remark to the hon. Gentleman who had last spoken. "I admire your sentiments and the able speech by which you have conveyed them to the House, but I must dissent from the conclusion which you draw from them." He hoped to be able, in a few plain words, to place before the

House his reasons for the vote which he was about to give; but in doing this he would not follow the noble Lord the Secretary for India in the elaborate argument which he gave for the second reading, because he should first have to examine whether the Bill was not wrong in its primary principles, and then go into its details. The charge which the noble Lord the Secretary for India had made against the noble Lord the Member for London, of entertaining factious motives, was one which would, he thought, be reprobated by the House and the country. When the Ministers now in power succeeded in ejecting the previous Government, how did they retain their newly-acquired power? It had been only by the support they received from that—the Opposition—side of the House. But that support had been given on the understanding that when the time came the Government would bring in a satisfactory Reform Bill. They had failed in doing so, and ought not therefore to complain at that support being withdrawn. Before he (Viscount Bury) voted for the second reading of this Bill he would ask the Government what they meant by a Reform Bill. If they meant simply a re-hash of what already existed—a re-distribution of political power—if they meant Locke King and water, he could understand, though he could not agree with them. He understood reform to mean an extension of the Bill of 1832. By the Bill of 1832 the middle classes were enfranchised and received their full share of power; but the working classes were still left without those civil privileges which it was the boast of England that she extended to all her citizens. The tendency of all legislation since the Reform Bill had been to elevate all those classes, and fit them for the reception of political privileges; and any change of the law which did not now enfranchise them would be a mischievous innovation and nothing else. How did the proposed Bill in any way meet this requisite? Did the £60 in a savings' bank qualification let in a single working man? There were various other franchises, but none of them seemed framed with the intention of allowing the working classes to exercise the franchise. In short it was simply a redistribution of existing elements. Some Gentlemen supported this Bill on account of its mildness, and because it would do less than any measure which would be introduced by the noble Lord the Member for the City of London; but if they were against any reform why did they not rise in their places and say so. If those Gentlemen were to range themselves under a "No Reform" banner, then he thought they should have the House of Commons divided into Reform and no Reform parties; they should then know what they were about, and the country would feel much more confident in the morality of public men. He was sorry, therefore, the Government had thought it right to introduce this Bill for the reasons he had stated. The Bill was evidently intended to pacify the country with a something bearing the name of Reform, as a child was pacified with a toy; but the measure of Reform contained in the Bill was equally unsubstantial. The Bill, indeed, was a delusion and a snare. But he objected to the Bill, not because it contained so small a measure of Reform only, but because that Reform was not in the right direction. It was a Bill that ought to be nailed to the table of the House, as a bad shilling would be treated by a shopkeeper; it was not true metal; it wanted the proper ring. Who were the coiners of the Bill, and why was it introduced? In order that the noble Lord at the head of the Government, who said that his mission was to stem the tide of democracy, and the leader of that House, who declared that he considered Reform subversive of the best interests of the country, might exhibit themselves floating down that tide which they could not stem, and spreading their sails to catch the veering wind of popularity. This Bill unsettled everything and settled nothing. It removed no incongruities, it grappled with no defects, but it did not stop short at the most violent innovations. Sir R. Inglis said, "If we are to have reform, let it come from its friends, and not from its opponents." It appeared to him that Her Majesty's Government had no reverence for the constitution, or why would its leaders have given expression to such sentiments as those he had quoted. The right hon. Gentleman who had introduced the Bill had taken great pains to inform the House why Her Majesty's Government had dealt with the subject of Reform. He might have saved himself that trouble, and simply have referred to the political history of his party during the last thirty years. From that history he would have found that it had been the invariable practice of his friends to resist all necessary change as long as possible; and, when it could no longer be staved off, either by coalescing with the extreme party of their opponents to damage the status of those to whom they handed over the question, or to turn round and in defiance of all previous professions introduce the Reform themselves. Such was the conduct of the Duke of Wellington with reference to Catholic emancipation, such the course pursued by Sir R. Peel with regard to the repeal of the Corn Laws. Having followed those precedents so far, it was a pity that the present Government had not imitated them to the full extent. Both the Duke of Wellington and Sir Robert Peel gave good measures while they were about it, but hon. Gentlemen opposite had done neither one thing nor the other. He was aware that there were some who differed with him as to the advisability of admitting the working classes to the franchise; but he still maintained the propriety and justice of such a course. If he wished to show the conduct of the working classes he would refer to the general election immediately after the Reform Bill. No one was able to move the working classes from the position they then took; they said, "If we have no hand in the legislation of the country at present, at any rate it has now got into hands that will deal with it fairly;" and they fairly, but firmly, urged their right to participate in the franchise. The House of Commons were now asked whether they would continue to refuse political power to the working classes, and which power they had meted out to the middle classes. He thought that the middle classes would be behaving in a most ungrateful manner, and with small trust in the class immediately below them, if they did not contribute to the full extent to get the enfranchisement of the working classes embodied in any measure passed through that House. He had considered the arguments in reference to enfranchising the working classes, and they seemed to resolve themselves into these. First, it was said that the Government was a committee appointed by the general body for the general good, and that when that Government said to any one class that it was not to participate in the benefits which Government represented, the Government ceased to be the representative of the general body and degenerated into a tyranny. It was further argued that the small holders of property were usually found to be the most Conservative, and that for a very simple reason. Suppose that taxation were increased in any very great proportion, the great proprietor who held half a shire for his domain might be a little cramped; it might even extend to this, that he must give up spending the season in London, but the small proprietor would be ruined, and therefore he contended that *pro tanto* the small proprietor had as great or a greater interest in the preservation of law and order than those above him. Further, it had always been seen that the exclusion of any class operated unfavourably on that class; and that if they denied to any class the rights of citizenship the members of that class would cease to feel and act as citizens. He would refer to the case of the police force; they all knew from what class of the people that most useful body came, and they all knew with whom they sided. There was no class upon which a more firm reliance could be placed than on the metropolitan police force. It seemed to him that the argument would be equally good if it were applied to the whole body of the working classes. If they were admitted to a fair share in the representation there would be no men who would be stauncher to the constitution. He had heard it said that we were tending towards democracy, and that we should have a general scramble. He did not admit that the Government was so conducted that it was for the interest of any class to rise against it and overthrow it; for, if that were so, then the Government was a tyranny. At the time of the first Reform Bill, Lord Macaulay said in that House that the case was continually recurring of one class treading on the heels of another; that continually a class was increasing in wealth and prosperity, and demanding the same civil rights as were possessed by the class above it. If those rights were accorded at first, well and good, but if they were refused, then there came a continued and prolonged battle between the new energies of the one class and the old power of the other. This was seen in the case of the *tiers etat* in France, and the nobility of the old *régime*, and in the case of the middle classes in this country, struggling on until 1832 against the aristocracy of land. Again, there was the same case now with the working classes struggling against the aristocracy of the middle classes. He had heard it said that there was "no cry" in the country, and that therefore it was inexpedient to have any Reform. It was said also in France. But a proper measure of Reform might have served in the time of Louis the Well-beloved, and in the time of his unhappy son. He was quite aware that at present the working classes in this country were in good humour, and that they were asking fairly what they believed the House would grant freely; but he was quite sure if Reform were withheld there would then be a dangerous agitation. He would say to the House, "What you give to the working classes give it to them without hesitation and without distrust." It was impossible to say what would be given by this Bill to the working classes. There was not a man who knew whether he would, by this Bill, be enfranchised or incapacitated from voting. It was no Reform Bill; it was simply an innovation. It was framed on an erroneous principle, because it only made a shuffle of existing interests. For these reasons he should give his vote for the noble Lord the Member for London, but he should do so only because he could not now touch the second reading of the Bill; and he must say that when he had the opportunity he should oppose the Bill in every way.

MR. KER SEYMER said, when they were considering a Bill to amend the representation of the people, the first question they ought to ask themselves was this,—what end did they propose to themselves by popular representation, and how far did our representative institutions answer that end? We in England desired good laws and good government. We desired security for those good laws and for that good government, and we believe that that security was best attained by representative institutions; but we knew nothing of the "rights of man." Let the House go back for a moment to the state of affairs at the time of the old Reform Bill. The great centres of manufacturing industry, Birmingham, Manchester, Leeds, Sheffield, had no Members; and other large towns which had Members were very often represented by close corporations, which could not in any way be said to represent the opinions or the interests of those towns. Seats in that House were openly bought and sold. All attempts to remedy that state of things had been pertinaciously resisted. A great man, who afterwards became a wiser politician, declared that no Reform was necessary. It was under these circumstances that the Reform Bill was brought forward, and, speaking from the Ministerial side of the House, he had no hesitation in saying that he regarded it as a great and successful measure. It was not a perfect measure, but a cry arose for "the Bill, the whole Bill, and nothing but the Bill"—a stupid parody of the form in which oaths were administered in our courts of justice which prevented the defects of the Bill being remedied. But, although it was not a perfect, it was a great and successful measure. Had our political and social progress during the last thirty years been, as we were told, a dream? Was it true, as the people had been told in speeches out of doors, that we had been the slaves of a landed aristocracy, who had involved us in expensive wars for their own benefit and against the interests of the country? Had there not, on the contrary, as the noble Lord stated, been passed many most admirable and important measures of political progress during those thirty years? But perhaps some hon. Member would say to him, "You have no right to speak of those measures, for you opposed the passing of them." Now, some of those measures his party opposed, and for others they voted; but whenever the public opinion of this country declared itself in favour of a measure that measure was carried by the House of Commons, and it passed through the House of Lords. He admitted what the noble Lord had said with respect to the question of Free Trade. He agreed with him in what he had said about Catholic Emancipation—namely, that it was put off to too late a period, and that it was carried by a very dangerous process. Still the passing of it by an aristocratic Parliament was in advance of the general feeling, and he believed that if the Reform of Parliament had been carried two years earlier Catholic Emancipation would not have been granted. With regard to the remarks of the noble Lord on the Corn Laws and on Free Trade generally, he must say that it was not merely the agricultural interest that deemed itself affected by the question of Free Trade; the shipping interests and many manufacturing interests, also took a part in the struggle. He would remind the hon. Member for Birmingham that the Anti-Corn Law League was opposed by large portions of the labouring classes, and that the league found it necessary to issue tickets for admission to its meetings to exclude those who used to disturb those meetings by raising questions about the five points of the Charter. But when public opinion had declared in favour of the great measure of Free Trade a large majority of the

House of Commons and a considerable majority of the House of Lords, which was called the landlords' House, passed that measure. The working classes distrusted the hon. Member for Birmingham on account of his opposition to the Ten Hours Bill? Who supported that measure mainly? Why, Lord Ashley? And who opposed it but the hon. Member for Birmingham and his friends? He said, in the course of the debate on that Bill, that he had been taxed with having signed a petition for a Ten Hours Bill, but he said that was done in the days of his youthful folly. He (Mr. Ker Seymer) preferred that act of youthful folly to those of his riper age. In legislating upon that subject, Parliament went as far as was consistent with sound principle; it interfered on behalf of women and children, who were unable to protect themselves; but who could believe that a Parliament returned by the labouring classes would have stopped at the right moment? Had we never heard of an Eight Hours Bill for adult males? Again, were the working classes quite sound on the subject of capital and labour? The shoemakers, as a class, were extreme Radicals, and yet they fiercely opposed the introduction of machinery into their handicraft, which reminded him of the recent conduct of the licensed victuallers of Marylebone, when they passed a vote of confidence in their new and learned Member as a sound and earnest Liberal—and opposed to the opening of the trade. It might be said that, though the Reformed Parliament had passed some good measures, yet its foreign policy had been expensive to the country, and productive of advantage only to the aristocracy. Who turned out the hon. Member for Birmingham from his seat at Manchester? It was not the landed gentry, but the genuine English impulse of the men of Manchester that rejected him because he was for peace when they were for war. Who was the Minister that made himself so unpopular by his supposed lukewarmness in the late war with Russia? It was the Earl of Aberdeen, an old Tory colleague of Wellington and Liverpool. The hon. Member for Birmingham had been saying some unpleasant things of the aristocracy during the last few months. What did the aristocracy say of him? They thought it a great misfortune for a man who aspired to be a statesman to commence public life by a course of agitation out of doors. They thought that the habit of addressing large and enthusiastic meetings, where only one side was heard, had produced a bad effect both upon the mind and the oratory of the hon. Member. They traced to that source the entire impossibility under which he appeared to labour of placing himself in the position of his adversary, or of supposing that anybody who held a different opinion from him could be either honest or good. To that they attributed the incorrect statements, the unsound logic, the violent and intemperate language of which we had heard so much during the last few months. The opinions which the hon. Member had expressed, and the manner in which they had been received by large masses of working men, lay at the root of the question of Reform. At Birmingham, the hon. Member, after giving a very eloquent description of the various employments among the operatives, stated that owing to our system of legislation there had been abstracted from the industry of the people the enormous and incomprehensible sum of two billions. To be able to sustain such a depletion the industry of the country must be pretty vigorous, but the hon. Member must have forgotten the income tax and that our war expenditure was borne in the greater measure, not by the industrial classes, but by a class far above them. In order to show that the House of Commons did not represent the country the hon. Member stated in the same speech that the question of free trade, long after the country had made up its mind on the subject, was only carried by a majority of 19 in 1852. Did not everybody know that the division in 1852 turned upon the budget, the house tax, the possibility of a prospective deficit, and, above all, the desire of the Opposition to turn out the Government and take their places? The hon. Member also laid great stress upon the amount of our pauperism, and seemed to connect it with the proceedings and constitution of the House of Commons. Where large masses of labourers congregated together for the purpose of manufacture and commerce, and where there was necessarily a great deal of improvidence and some vice there must always be distress and misery. Every true friend of the working classes would speak to them of these things, and would try to persuade them to reform themselves; but it suited the demagogue better to talk to them of universal suffrage and the wickedness of the House of Lords. In America, even in the new cities that had risen up on the banks of the Mississippi, the same overcrowding, the same want of the common necessaries of life, the same vice and misery prevailed; while in New York there was a place called the Brewery, which he could assure the House matched anything to be found in St. Giles or Saffron-hill. The hon. Member proceeded in this way ["Question, question!"] This was the question; these opinions were expressed by the hon. Member before large audiences of working men, and they were said to have been received as gospel, and they were made to show the way in which the House of Commons worked in reference to government for the public good. The hon. Member, proceeding on his tour, told the people of Manchester that under our present system of Government the aristocracy received far more than they contributed to the revenues of the State. But in order to make out that statement he was obliged to include among the receipts of the aristocracy all the property and livings of the Church of England, though he must have known that he himself, or any man with money, might buy livings in the market. Nothing could be more unfair than to make such statements, and it argued a want of intelligence on the part of an audience to receive such statements as true. The aristocracy and wealthy classes had paid millions in income-tax more than they received for the services of their children, who shed their blood so freely on the plains of Waterloo and the heights of Sebastopol. The hon. Member next proceeded to calumniate the assembly of which he was so distinguished an ornament, for he said that during his Parliamentary experience, extending over fifteen years, he never knew the House of Commons pass a great measure of justice because it was just. Now, the questions which arose in that House were not questions of pure justice, but questions of relative justice, and, if it were admitted that the House sometimes passed great measures of justice, it might fairly be allowed the credit of passing them because they were just; at all events, the statement of the hon. Member was uncharitable in the extreme, and ought not to have been made by a Member of Parliament. That it was accepted as true by a large audience of working men ought to make the House cautious in lowering the franchise. In Glasgow, the hon. Member said the present electoral body was so corrupt and so managed that almost all the objects for which a representative assembly should exist were frustrated. He might leave the hon. Member to settle that question with the noble Lord the Member for the city, who it seemed had in 1832 perpetrated a fraud upon the people of England. But it was not correct to say that all the various interests of the country were not fairly represented in that House. The agricultural, the manufacturing, the commercial interests—the public opinion of this country—together with the large, the moderate sized, and the small towns, were represented in that House. If the Hon. Member attempted to make such a statement in that House, he would find that it was much easier to persuade labouring men to believe in it than an intelligent audience cognizant of the affairs of the country. Then the hon. Member for Birmingham, again addressing a large number of the labouring classes at Glasgow, told them that entails, primogeniture, and large farms were the cause of all their evils, and that he wondered how people could breathe freely on those large properties. Now, if they could not breathe freely in the Highlands of Scotland, that could not arise from the want of pure air, but must be occasioned by envious feelings towards the possessors of property. The hon. Member added that if they only had free representation all this would be reformed according to the principles of political economy. The political economy of the hon. Member was very well handled by the *Economist*, in which publication he was told that he was sinning against all the principles of political economy in respect to large farms. The people bought their corn in the cheapest market, and the landlord let his land in the dearest. It was a question of Free Trade, and had nothing to do with the legislation of that House. Considering the inflammatory language of the hon. Member it might be supposed that if he made any reform in respect to the land of this country it would not be a Reform according to the principles of political economy but according to the "rights of man." At length the hon. Gentleman produced what was intended to be a scheme of Reform, but it was so manifestly unfair to the agricultural interest that some explanation was felt to be necessary, and he then stated that the agricultural interest was represented in the House of Lords. He (Mr. Ker Seymer) denied this. The agricultural interests—the farmers, whose skill, energy and money had mainly contributed to produce in this country the highest state of cultivation in the world, were not represented in the House of Lords. A few years ago the then Government brought forward a scheme for the collection of agricultural statistics, and though that was repudiated by the farmers of this country it passed the House of Lords without discussion—certainly without opposition. The moment, however, that the Bill came down to the House of Commons, where the agricultural interest—the farmers—were represented by the county Members, the opposition to it was so strong that the Government never ventured to proceed to a second reading with it. Therefore he contended that the agricultural interest—that those who cultivated the soil—were not represented in the way stated by the hon. Member. But the question which lay at the bottom of all this was, what was the position of the House of Commons in the practical working of the constitution. The hon. Member sneered at the idea of the constitution, and asked his audience if they had ever seen it. On the same principle he (Mr. Ker Seymer) would ask the hon. Member if he had ever seen liberty? Considering that the Crown never exercised its veto, which it possessed by the constitution, and that the House of Peers never systematically opposed measures passed by the Commons, it was necessary that that House should work harmoniously with the territorial and landed interest, strongly represented in the House of Commons, or there would exist in this country a thorough democracy which would overthrow the Crown and the other branch of the Legislature. The hon. Member spoke out rather broadly, and said that an hereditary House of Peers could not be a permanent institution of a free country. There had, however, been both freedom and an hereditary House of Peers, for some time in this country, and he fancied that when the hon. Member used the word "free" he meant "democratic." Having noticed the inaccuracies in the statements of the hon. Member, he would now proceed to consider some of the provisions of the Bill, the extension of the suffrage, the partial disfranchisement of some small towns and the enfranchisement of other places. With respect to the extension of the suffrage, it had been admitted for some years past that there were scattered throughout the country, not living within the boundaries of boroughs or occupying a £50 house, many intelligent and excellent persons thoroughly entitled to the franchise, but who did not possess it. The Government intended to meet the case of those persons by the £10 franchise in counties and by what were called the "fancy franchises," which in his opinion were valuable. The Government, he confessed, might well hesitate here in proposing a £10 franchise for the counties, and if he considered that it would dissever the representatives of the counties from the agricultural interests he should consider it a disastrous measure; but he did regret their having made up their minds to disfranchise the borough freeholder, for he should not like to give the noble Lord the Member for the City of London the opportunity of profiting by this. Last year it was "Palmerston and the British flag," and it was successful; but he should be sorry if the cry was raised of "Russell and the British freeholder" this year, with similar results. He had had great experience in canvassing county voters who voted for boroughs, and had reason to believe that the majority of them were a throughly honest and independent set of electors. They were free from corruption, and knew the full value of their county vote. He hoped the Government would reconsider that part of the question, for he was not quite convinced by the ingenious arguments of the noble Lord that it would be a good thing to introduce again out-voters for boroughs. Neither was he convinced, in spite of the provisions of the Bill, that there would not be a system of splitting freeholds. He desired to maintain the small boroughs, and thought it inexpedient to introduce into them the freehold franchise. With regard to the labouring classes he certainly assented to the mode in which the Government proposed to enfranchise them. If the limit taken was deemed too high by some hon. Members that was a question for consideration in Committee, and it would be perfectly consistent with the principle of the Bill to admit men to the franchise with a smaller sum in the savings' banks or in other institutions. The real problem to be solved was, how to admit the labouring classes to the franchise, without swamping the rest of the constituency. The hon. Member for Birmingham at one time proposed the parochial system of voting, but the moment the hon. Member discovered that that proposition would give a preponderance to property over numbers he dropped it as if it were a hot potatoe. Another principle of the Bill was the enfranchisement of certain districts, and he might here say he believed there had been a general expectation that the nomination boroughs, or *quasi* nomination boroughs, which still existed, would have been disfranchised by the measure of the Government. It was an old tradition of the Tory party—founded partly upon the able speeches of Mr. Croker in Committee upon the Reform Bill—that the Whigs got much the best of it under that Bill, so far as the disfranchisement of boroughs was concerned. It was quite natural, from the large territorial possessions of the Whig aristocracy, that they should be able to control a considerable number of nomination boroughs, and he thought the Government in abstaining from the disfranchisement of those boroughs had shown that they were not actuated by party spirit in the preparation of this Bill. He also thought the Government had acted with perfect fairness with regard to the boroughs proposed to be partially disfranchised, for those boroughs returned thirty members to that House, fifteen of whom were Liberals and fifteen Conservatives. The proposal for the enfranchisement of new districts was also, in his opinion, characterized by perfect fairness, although, probably, the majority of the new Members would sit on the opposite benches. He could not conceive what valid objection could be taken to the use of voting papers, for, although it was true that the system might be open to abuse, he thought it would not be difficult to devise a remedy. It seemed to him somewhat hard that hon. Gentlemen opposite, who wished to make everybody vote by ballot, should oppose an arrangement which would enable persons suffering from sickness or bodily infirmity, or who were prevented by other causes from going to the polling booths, to record their votes. By increasing the number of polling districts and permitting the use of voting papers they would do away with the necessity for travelling expenses, and would thus get rid of the corruption which had undoubtedly been carried on under the cloak of such expenses. With regard to the speech of the noble Lord the Member for the City of London, he took the first clause of the Bill in his Resolution, and said, I object to the principle of the Bill entirely; but he had always understood the practice was to take the discussion on the principle of the Bill on the second reading, and to say aye or no to that; but although the noble Lord objected to the principle of the Bill he would not take the sense of the House on the second reading of the Bill. The noble Lord said, there were many persons who lived in houses under £10 who ought to be let in, but he let them in with many others who were not qualified to vote; but the Government had let in those who by their prudence had shown that they made the best use of their abilities and industry as members of the working classes. The noble Lord had said the country would not understand him if he opposed the second reading, because they liked the £10 county franchise, but he (the hon. Member) was of opinion that the country would understand him, and that the country would be of opinion that the noble Lord was more anxious to change places with the right hon. Gentleman who sat below him (Mr. Ker Seymer) on that side of the House, than to amend the representation of the people.

MR. ALDERMAN SALOMONS said, he hoped for the indulgence of the House while for the first time he took a brief part in one of its debates. He wished he knew its Members sufficiently well to be able to distinguish between the two hon. Members from Dorsetshire, with one of whom he agreed, whilst from the other he differed. He entirely sympathized in the sentiments of the hon. Member for Dorsetshire who first addressed the House, though he differed with him in his conclusions. He had had an opportunity, from an intimate connection with them for some years, of forming an estimate of the working classes of this country, and he thought that the way in which they had exerted themselves to improve themselves and their social position, and the praises that had been bestowed upon them by eminent public men, had produced a fixed impression in their minds that whenever a reconstruction of the constitution took place they should be admitted to their fair share in the extension of the suffrage. Neither could he see that the Legislature could, without danger, exclude them. He could not believe in any new Reform Bill which excluded the most popular element in the constitution, more particularly at a time when the people were looking for a larger infusion of opinion in their favour in that House. He believed the statistics of savings' banks would show that the working classes did not form the largest portion of those who invested their money in them, but that there was a large class of them who invested their savings in benefit and building societies, and he believed that if the extension of the franchise were confined only to savings' banks, it was not likely to confer any increased power in the Legislature on behalf of the working classes. But what they were now considering was not so much the various clauses of the Reform Bill as the Resolution before the House. Much had been said with regard to party, and he did not deny its influence. He did not deny the sympathy he had with the Liberal party, but he had much greater sympathy with liberal measures, and on whichever side they were introduced he should vote for them; and if he gave his vote against the measure it would be because he believed that no Reform Bill could be passed without danger to the country unless the working classes had a share in it. He would ask the hon. Member for Dorsetshire, and all thinking statesmen, to consider what might be the consequences of passing a Bill that did not duly consider the claims of the working classes of this country, and how they would be able to stem the torrent of discontent that might take possession of the working classes if they were left out. They had hitherto fought Chartism and other theories of different classes of politicians with the argument, that whenever the time came for reconstructing the constitution, every class should be considered, and a very large class of the community not being so considered was, he thought, a great objection to the Bill before the House, and justified the Resolution brought forward by the hon. Member for the City of London. It was evidently the view presented to the Cabinet by some of its Members when considering the measure for improving the representation of the people, — that the working classes should not be overlooked, and he was at a loss to conceive how it was that this prudent advice was overlooked and neglected. A very fair test of public opinion was observable in what had occurred during the last three weeks, since the provisions of the Bill had been known. During that time it had been condemned on every platform in the kingdom, and it was a matter of great surprise that when a measure had been brought forward, that might decide the fate of a Ministry, or of a Parliament, or perhaps of both, that there was not a town or city in the kingdom where a proposal had been brought forward in favour of the measure. To him personally it was a matter of the greatest regret that on the first opportunity he had of giving a decided vote it should be in opposition to a Ministry to whose exertions he was no doubt in some degree indebted that he had the opportunity of addressing that House. But the duty he owed to his constituents, to the country, and to his conscience, must lead him to vote against a Bill so objectionable as this; and believing that the Resolutions of the noble Lord were founded on wisdom and justice, he must vote in favour of them.

MR. LIDDELL said, he rose to address the House under circumstances of some difficulty. Had he in the early part of the evening trusted to his ears rather than his eyes, he should have thought that some mighty political change had taken place, or that he had forgotten his place and his principles, for he heard the noble Lord opposite (Lord John Russell) defending the franchise of the freeholder on the ground of prescriptive right. He thoroughly agreed with him, but he could not forget that only four or five years ago the same noble Lord proposed to abolish at one fell swoop the rights of several thousands of freemen who had equally prescriptive claims with the freeholder. He knew well that whether he was freeman or freeholder, every such elector had a pride in the thought that he was born to a vote for the election of a Member of Parliament, and that each would be unwilling to abandon it. Almost immediately afterwards he heard an hon. Member (Mr. Sturt) in terms more witty than discreet, abuse the Government behind which he sat for not having made an indiscriminate enfranchisement of the working classes. Upon that point, however, he would have a word or two to say afterwards; but he owned it had always appeared to him a matter of difficulty how the present Government, with the principles they professed, would be able in a Reform Bill to satisfy hon. Gentlemen on the Opposition side of the House without, at the same time, alarming their supporters on their own. But now that the Government had produced their measure he gave them credit for having acted up to the principles on which they took office. They had come into power prepared to meet this question, they had met it; they had laid their measures fully and fairly before the country and were prepared to discuss them. He therefore claimed on their behalf from all candid men the credit and praise to which they were entitled for their manly and straightforward conduct. But as he could not regard the Bill either as quite so democratic as some hon. Gentleman supposed, or as so illiberable in the extension of the suffrage as hon. Gentleman opposite chose to represent it, he hoped the House would allow him to make a few observations in justification of the vote he intended to give against the Resolutions of the noble Lord. What, after all, were the great defects of our electoral system? They came, generally, under three heads. The first of these was the too exclusive possession of the franchise; the second, the large number of rising manufacturing towns that were unrepresented, while some small or decaying boroughs sent two Members each; and the third was the almost totally unenfranchised condition of the mass of the working classes of the country. Now, he would ask whether the proposal of the Government did not go to a considerable length in each of these directions. Government dealt with each of these three defects. Take, first, the exclusive possession of the franchise. The Government proposed to reduce the county franchise from £50 to £10. He believed that was as great an extension of the franchise as was ever proposed by any individual in that House, even the noble Lord the Member for the City. Besides, it got rid, to a great extent, of that other defect of unrepresented towns. He looked upon that extension of the franchise with some degree of apprehension; it was a large experiment; but how the Liberal Members could reject it—how they could abstain from receiving it with gratitude — he was unable to understand. His apprehension of the effect of this provision arose from this—that he feared the large towns now unrepresented, and whose inhabitants would, therefore, have a vote for the counties, would have a preponderating influence in returning the county Members. With regard to those non-represented towns, however, he wished to treat the question with perfect fairness, and he regretted that Government had not grouped some of the smaller boroughs together, which would have given a larger number of seats to be distributed among the great manufacturing towns, and thus taken them out from the constituencies of the counties. But the Government had gone further than this, and proposed to confer the franchise upon educated persons without property. That, he thought, was a dangerous step, because, though he would be the last person to deny the advantages of education, though he knew what the poet said of it

"Emollit mores nec sinit esse feros."

[*A laugh*]. Yes, he knew the quotation was an old one; but he was about to observe that the poet said *feros*, not *malos*, and he believed that some of the worst enemies to religion and to the settled institutions of the country had been persons possessed of education, but without any other qualification. He was surprised to hear the noble Lord the Minister for India express his regret that Government had not proposed an educational franchise. [Lord STANLEY: I said that was a new experiment which the Government had not ventured to try.] He was also sorry to hear the noble Lord say that they could not maintain the small boroughs on any principle. If they could not be maintained on principle, he thought they ought not to be maintained at all. But he believed they could be maintained on principle, and that the very principle of the constitution itself, which was an intricate piece of machinery, composed of many wheels, and which, in order to work, will require that each particular part should perform its allotted office. In other words, it was necessary, for the full development of our constitutional system, that no class or interest should be borne down by numbers, but that each should have its due weight in the social scale, and it was for that reason that he thought the existence of small boroughs might, on principle, be defended. They served as a means of procuring a representation for a great many important interests in the country, which could not be included under the head of either agriculture or manufactures. He now came to what was considered the third great defect in our system —the non-representation of the working-classes. So great weight was placed upon that part of the question, that he would say a few words on it. He would be the last person in that House to hold in low esteem the individual qualifications of the working classes. No class had shown greater energy or skill in conducting their own business, none had shown greater honesty and intelligence of character. But there was a marked difference in the British workman in his individual character and when he acted in combination with others. When he entered into combination with others to effect a particular object, what course did he pursue? When the pressure of want came upon him, for instance, and he took counsel with his fellows with the view of bettering his condition, was he always guided by foresight and prudence in the selection of those to whose hands he delegated his cause? Did prudence or foresight mark those "strikes" of which we sometimes heard? No; the men whom the working classes selected under those circumstances to represent them were frequently persons who gave them bad counsel, and who but too often led them into a course of conduct most prejudicial to their interests. It was often made the subject of complaint that the working classes were not represented in that House; but he thought the conduct of those who acted on their behalf in the House, and who had succeeded in shortening their hours of labour, cheapening their food, and providing for their poor, stood out in honourable contrast with the conduct of their own chosen representatives, whose evil counsels had often led them to starvation and ruin. He was not opposed to a fair representation of the working classes; he thought that while they ought not to scatter the franchise broadcast over the land, they might confer the privilege upon the more prudent, thoughtful, and economical of the class, and such a test he thought was afforded by the proposition of the Government to enfranchise those that had a certain sum in the savings' banks. It was all very well for hon. Gentlemen opposite to laugh at this proposition, and to say that if the money were drawn out on any emergency, the man would be disfranchised; but it was the character of the man who saved up the money that was the point for consideration, not the amount of his savings—that was a mere question of detail. He saw no better means of selecting from the great unrepresented mass of the people those who ought really to possess the franchise than the adoption of such a test as that furnished by the possession of money in the savings' banks. It might be said that a few persons only would be enabled to avail themselves of that provision in the Bill. But he had been informed by a director of a savings' bank in a town in the north of England, as the result of a careful investigation, that the proposal of the Government would extend the franchise to 1,200 persons in that borough and neighbourhood who did not at present enjoy the right; and those persons were fully equal in number to one-fifth of the present borough constituency. It could not, therefore, be maintained that that provision would be attended with little or no effect, and there could be no doubt but that the class whom it would enfranchise were peculiarly well qualified by their prudence and their steadiness to take part in the election of hon. Members of that House. One principle in the Bill had his entire concurrence—namely, that persons should vote for the place where their property was situated. He thought that was a sound principle, because it was consistent with our habits, and he thought that some very important advantages would be secured by its adoption. In the first place the elector naturally took a special interest in the proper representation of his own district, and in the next place, the duties of the Member would be much simplified, and a greater fixity would be given to his labours, by his having to deal with the definite and well-known views of the constituency. Under all the circumstances of the case, he should feel it his duty to vote against the Amendment of the noble Lord, because it was an unfair mode of dealing with a great question and one calculated to defer its settlement to an indefinite period, besides pledging its supporters to an indiscriminate extension of the suffrage. But there were portions of the measure of Her Majesty's Government which he could not support. The main defect of the Bill was to be found in the simple fact, that it was not a measure calculated to allay all agitation on the subject of Parliamentary Reform. It was not calculated to settle the question, because it left uncured two or three of the main causes of agitation. He should, therefore, hold himself perfectly free hereafter to support or reject any proposal that might be made for amending the Bill, or still further extending the franchise amongst the great mass of the people. Parliamentary Reform had long been a subject of agitation both in and out of the House; and if ever there was a time when the question could be fairly and hopefully settled, that time was the present. The country was prosperous and tranquil; people's minds were free from passionate excitement, and a safe and sound measure would be readily and cheerfully accepted. Why, then, should not the House seize the opportunity to form and pass such a measure? Let the House adopt this Bill with the view of amending it in Committee. In that spirit he should vote for the second reading, and he should do so the more freely because he believed a Reform Bill, coming from the party now in office, would stand the best chance of passing "another place." Reserving to himself the right of supporting Amendments to be proposed in Committee, he could arrive at no other conclusion than to negative the Resolutions, and vote for the second reading of the Bill.

SIR CHARLES WOOD: I cannot congratulate the Government upon the kind of support which they have received from those hon. Members who have spoken in favour of the Bill. Both the hon. Member for Dorset and the hon. Gentleman who has just sat down have declared that they found serious and grievous faults in the main enactments of the Bill, and they have argued in favour of provisions which are utterly inconsistent with the view which the noble Lord (Lord Stanley) stated so clearly as to the uniformity of franchise, and with what my noble Friend (Lord John Russell) has described as the main principle of the Bill, namely, identity of franchise in towns and counties. Both the hon. Gentlemen who have spoken are in favour of lowering the borough franchise; but that is quite inconsistent with that identity of franchise, contained in the first clause of the Bill, which the Chancellor of the Exchequer told us in opening this measure to the House contained the great principle of the measure. The noble Lord seemed to think that to carry such a Resolution as that proposed by my noble Friend would be inconsistent with the passing of any Reform Bill at all in the present Session; but I really do not see the impossibility which he anticipates. Indeed, I do not see why the present Government should not carry an amended measure if they choose to do so, believing, as I do, that a large majority of this House are desirous of coming to some reasonable settlement of this question in the present Session of Parliament. The noble Lord, however, gives us no hope of any amended Bill. He would regard the adoption of the Resolution as an expression of want of confidence; and he says that he is prepared to accept it as such, and submit to the usual consequences of such a Motion being carried. The noble Lord defends every particle of the Bill—the principle of identity of franchise and all the consequences that flow from it; but I confess I, for one, consider that principle is so objectionable that I would infinitely prefer no Bill at all to the one now before us. The noble Lord says, that he objects to electoral districts; but does not identity of franchise lead at once to electoral districts? He says he is prepared to maintain small boroughs; but with identity of franchise in the county of Sussex and the borough of Arundel how could he defend the maintenance of that small portion of the county as a separate constituent body, with less than 200 electors, of precisely the same description as the thousands of electors in the county itself? If you treat boroughs as communities having rights and franchises of their own, altogether different and distinct from county franchises, you may defend the maintenance of small boroughs, but I defy any one logically to adopt identity of franchise without being driven to the system of electoral districts. Again, I ask, is the same principle to be applied to Scotland and Ireland? Are the Members for Scotland prepared for this? In Ireland the borough and county franchise is lower than in England; but how can any one justify the principle of this Bill if identity of franchise is not established in all parts of the united kingdom? We must have an £8 franchise, which is that of boroughs in Ireland, extended to the whole kingdom. The noble Lord argued ably in favour of that principle, but I think it is one of the most revolutionary ever submitted to this House, upsetting our existing constitution, and every principle on which our representative system has hitherto been based. I consider such an innovation most dangerous. But the proposal also precludes what is considered to be indispensable by all parties in the House, namely, that there should be some lowering of the franchise in boroughs. The noble Lord's proposal admits scarcely any additional class of the community whatever. What was it that led some years ago to the mention of any further reform? Why, because everybody felt that it was desirable, to some extent at least, to admit the working classes to a participation in the franchise. As the noble Lord (Lord John Russell) said, this feeling very much arose from a sense of the admirable conduct of the working classes in 1848. The noble Lord (Lord Stanley) tells us he admits the working classes by selection, not indiscriminately; but I think the Bill will admit hardly any at all. In fact, it is a perfectly inadequate measure to meet what is really the demand of the country—the admission to the franchise to some extent of the working classes. I was glad to hear to-night from the hon. Member for Dorset (Mr. H. G. Sturt) that he admired and trusted the working classes. I entirely agree with him that they may safely and advantageously be admitted to participate in the election of Members of Parliament to a larger extent than is proposed by the present Bill. And I agree with the noble Lord (the Member for London) that a proposal ought to have been made for the admission of a larger number of them to the franchise. I am opposed to a sweeping and indiscriminate admission on the mere principle of numbers. I utterly repudiate the doctrine of founding our representative system on a mere numerical basis. Such a measure would be to undo the advantage of the Reform Act of 1832. Before the Reform Bill passed the great landed aristocracy and the moneyed interest, by their possession of rotten boroughs, had established an overwhelming preponderance in the legislature. By the Act of 1832 that predominance was swept away, and the middle classes were admitted to their fair share in the legislation of the country. I am not now prepared to establish a similar preponderance in another class, and that the least educated class of the community, without the leisure to acquire the knowledge that would enable them wisely to use the power intrusted to them. I think the House of Commons should consist of representatives of all classes of the community, and not of delegates of the largest but least informed class. It is undeniable, however, that there is one great defect in the Act of 1832. Before the Reform Bill there were many places where the working classes enjoyed the franchise. There were the householders at Newark and Preston, the pot-wallopers at Pontefract, the freemen of Liverpool and Grimsby. I know something of all these places. I sat for Grimsby, and I remember that there was only one voter who declined to receive the usual head money. I served upon an election committee on Liverpool, and more gross and universal bribery I never knew. The householders and freemen were disfranchised with the general concurrence of all Reformers of that day, and I do not think that the disfranchisement of such voters as these was any disadvantage to the country. I hope and believe, however, that the improved tone of public morals would prevent the recurrence of such scenes as formerly took place. The working classes are improved in education and in moral condition, and it is high time to restore to them at least a portion of the power of which they were deprived by the Reform Bill of 1832. I am not in favour of making them the ruling power of the country, but I think the views of the working classes ought to be expressed in this House by men in whose choice they have some voice. I agree with an hon. Member who spoke a short time ago that those interests have not been neglected by this House, for our legislation has shown that we are not insensible to the claims of the working classes to our careful consideration. But they ought to have a share in choosing the representatives who are to advocate their views and interests, and the measure of the Government is an inadequate means of giving to them the power they ought to have. I do not object to the clauses giving a vote to lodgers or depositors in savings' banks. I believe that these would be very wise provisions, with some modificatious in the mode of carrying them into effect. I do not think, however, that any considerable number of the working classes would be enfranchised by them. I am of opinion, too, that whatever the amount of the savings' bank franchise, it ought to be held for a longer time than the Government propose, since otherwise it would afford an easy mode of creating votes for the purpose of carrying an election. In estimating the number of votes to be thus created, we must remember that it is not the habit of the working classes to deposit largely in savings' banks. Even if they have done so as young men, when they marry they withdraw their money, and, indeed, they more frequently invest their savings in building societies and other investments which afford them larger interest than the savings' bank. To married operatives and householders the franchises proposed by the Bill will be of no use. We were promised a return of the probable number of voters likely to be enfranchised by these clauses, but we have not yet received it, and any one acquainted with the working classes in manufacturing towns will know that very few will be admitted by these proposals of the Government. It is on all sides admitted that it would be desirable that the higher paid and more intelligent portion of the working classes should be enabled to exercise the franchise, and for this purpose it is indispensably necessary that some lowering of the qualification in boroughs should take place. No such proposal is made by the present Bill, and indeed any such proposition would be inconsistent with the principle of the Bill. The right hon. Gentleman the Member for Oxford would have been satisfied with a £6 rating for boroughs. I think that would have been a fair and reasonable proposal. I have myself been a party to proposals both for a £5 and for a £6 franchise.

We have no information of the extent to which such a rating would admit the working classes, but I remember making some inquiries at the time a Reform Bill was proposed by the Government to which I belonged which satisfied me that no very large number of the working classes would be admitted by such rating, and that those who would obtain votes would generally be overlookers, foremen, and the highest paid class of workmen. This information applied to the borough which I have the honour to represent; and there I should anticipate no objection to the lower of the two sums for the franchise. But probably the same amount would operate very differently in other places. I do not think that this would be a disadvantage. We cannot hope to restore the anomalous franchises that existed before the Reform Bill, but I think that uniformity in the class of voters is undesirable even in boroughs, and still more undesirable when applied both to town and country. I concur with my noble friend that some lowering of the franchise is desirable, and I concur with him in his opinion of the mode in which the Government propose to deal with the county and town franchise. I approve, therefore, of both parts of his Resolution. Nor can I be so grateful as one hon. Member who has spoken to-night for the £10 franchise in counties as it is proposed to be dealt with by the Bill. I believe that the Government measure will bind the counties hand and foot to that portion of the landed proprietors who have been designated to-night in no very complimentary terms by the hon. Member for Dorset. I do not believe that there is any wish on the part of the country gentlemen generally to see a broad distinction between town and country. I am strongly of opinion that the interests of agriculture, manufacture, and commerce are joined in one indissoluble bond of union; and I believe that the worst thing that could happen would be a sharp line of demarcation between town and country, such as would be drawn by this Bill. But the proposal of the Government is fatal to the independence both of counties and boroughs. I will speak first of the effect on the counties. The proposal of the Government, after saving existing rights, is to eliminate one-fifth of the most independent voters of the counties. I do not know or care whether they are Liberals or Conservatives, but I am sure they are the most independent class of county voters. Nearly 100,000 of them are to be taken out of counties and transferred to boroughs. This will reduce the county constituencies by one-fifth, and deprive them of their most independent element. Let us now see what will be the effect of the £10 franchise as proposed by the Government? When the hon. Member for East Surrey first proposed to identify the county franchise with that of the boroughs I voted against him. The hon. Member afterwards told me that I had been obliged to apologise to my constituents for the illiberal course I had taken. I can assure him that I was under no necessity of doing so. They well understood the matter, and when I told them what I had done, they were perfectly satisfied. They knew, from what they had seen themselves, that such a clause would put it in the power of the landed proprietors to swamp the independent county constituency. I represent a borough in which there is an agricultural district. All hon. Gentlemen may not know to what extent votes, perfectly fictitious, may be created. I will state a few of the votes made in the borough of Halifax. I will not mention names. The gentleman whom I will call Mr. A. is a most worthy and excellent man, but the House will see how he proceeds as to making votes. I will state only a few cases. The first case which I will take is a farm occupied by farmer W. There are four voters registered on this farm. The first is Mr. A.; the second Mr. A.'s brother, who resides five miles off; the third and fourth Mr. A.'s bookkeepers. The next case is three fields and shed, value £3, occupied by Mr. S.; two voters registered, one a servant of Mr. A.; the other a gamekeeper of Mr. A.'s brother. Then come two fields and a shed, one voter registered, Mr. A.'s bookkeeper. Then we have two fields and a shed, occupied by Mr. A.; the voter registered is his servant. Then comes field and shed; the voter, an ex-bookkeeper of Mr. A. Again, a field and shed, owned and occupied by Mr. E.; the voter Mr. A.'s coachman. Here are ten votes, and all except in one case are made by building sheds of the value of about £3 in a field. There would have been little difficulty if this state of the law had been applied to counties in creating an indefinite number of faggot votes. Sheds in fields are very useful things, and any gentleman might create as many votes as he could make divisions of his property into fictitious £10 holdings. There would be no need of disturbing the actual occupiers. But the plan of the Government goes a great deal further. It dispenses with the necessity of any building, however trifling, a nominal holding of £10 is all that is required. Residence is not needed. There is no question of real occupation by the party who is registered, and such a plan would have destroyed every shadow of independence in every county in England. Is there, then, much reason to thank the Government for the liberality of their measure as regards the counties? It is no better in respect to the boroughs. By means of the 40*s.* freeholders and the system of voting papers, any person who possesses a number of acres within the limit of a borough may, if this Bill passes, so contrive as to swamp the rest of the voters. It is just as easy to create 40*s.* faggot votes as £10 faggot votes. There are seventy votes of this kind in Halifax, and for the same expense you might have 350 faggot 40*s.* votes in that borough under this Bill; more than enough to carry any election. But, in the case of smaller boroughs, of course such a result is much more certainly attained. Anybody, if he chooses to lay out the money, may purchase land within the limits of the borough, and create a number of freeholds; he may put his footmen and those of his friends into them—all living in London—and when the election comes on, 300 or 400 of this kind of votes may be sent down by means of the post; and what, then, becomes of the independence of the borough? When parties run high even in a large boroughs, any dead weight of this kind thrown into the scale must have an overwhelming effect, and how much easier will it be in a small borough for any large landowner to make himself complete master of the returns? These are the liberal provisions of the Bill to which we are asked to assent. It seems to me that it restores the worst evils which existed before the Reform Act. It puts it in the power of the landowners to return the members for the counties, and it gives to all those who choose to buy land within the limits of any borough the power of obtaining a complete sway over the elections for that borough. I will not enter into any other objections which I entertain against other provisions of the Bill. These two are struck at by the Resolution of my noble Friend, and I therefore heartily concur in that Resolution. Indeed I should have been prepared to vote against the second reading of a Bill containing provisions so obnoxious, and I am the more confirmed in this view since the noble Lord (Lord Stanley) gives us no hope that they will be modified. Both he and the Chancellor of the Exchequer declare that the principle of the Bill lies in this identity of suffrage, and we are therefore left to choose between the Bill itself and a course which its authors declare they consider will be entirely fatal to it. I confess that I cannot see myself why the carrying of this Resolution must necessarily be fatal to the Bill. The Government have it in their power, if they please, to insert in the Bill—that which I believe will be in accordance with the recorded opinion of this House—a provision for the lowering of the borough franchise; and also a different mode of dealing with the county franchise. There is no good reason why they should not adopt this course. If they refuse to do this—if they are so wedded to the principle of their Bill as to determine to stand or fall by it, on their heads be the responsibility, and not on my noble Friend. For myself, believing that this Bill is worse than no Bill at all, I have no hesitation in giving my vote for my noble Friend's Resolution.

MR. HORSMAN:* Sir, the noble Lord who has moved this Amendment stated that there could be no question of graver importance to us, our children, and our posterity than the one now before us. Sir, it is my sense of that gravity, so forcibly described by the noble Lord, which emboldens me now to give expression to opinions which, though it gives me pain to differ from many of my Friends around me, I do hold so strongly, that I cannot incur the responsibility of concealing or suppressing them. I have great doubts as to the expediency of the course proposed by the noble Lord, and those doubts are much increased by the speech of the right hon. Member for Halifax.

The right hon. Gentleman, in order to justify his support of the Resolution, has found it convenient to represent the Bill before us as one that the House is compelled to accept or reject in its present form, with no power in any way to amend or change it. If that were true, and if we had no alternative but to accept or reject the Bill as now presented to us, we should be unanimous in its rejection. But such is not the case, and I think it is to be regretted that any parties should attempt so much to exaggerate the authority of the Government or depreciate our own power and functions by giving currency to an idea so entirely at variance with our every-day Parliamentry procedure. The hon. Member for Dorsetshire has reminded us truly of our general rule and practice, that if we object to the principle of a Bill, we negative the second reading; if the details are faulty, we correct them in Committee; but the occasions when we deal with large legislative measures by abstract resolutions are happily extremely rare, and the results are not encouraging.

If I might venture on any criticism of the speech of the noble Lord the Member for the City of London, it would be that it was an extremely able and powerful speech against the second reading of the Bill. The same, too, might be said of the speech of the right hon. Member for Halifax; but if this Bill deserve one-tenth of the condemnation which has been heaped on it, there is no reason why it should not be condemned on the second reading instead of being met by a Resolution which, as the hon. Member for Dorsetshire says, is so skilfully drawn as to provoke, if not to justify, the accusation of being a mere party manœuvre.

Before I proceed to speak either of the Bill or the Amendment, let me consider what is the relation in which we, the opponents of the Government, stand to the Question of Parliamentary Reform, and what it is our duty to do in the interests of Reform.

During the recess a question was put to me by my constituents, which I saw by the papers was also put to many Gentlemen around me by their constituents,—I was asked what I intended to do with the Government Reform Bill. To that I gave the answer which I saw was given by most of the Members of the Liberal party. I said, "I will give a full and fair consideration to it irrespective of its parentage. If it be a good Bill, I will support it; if it be a bad Bill, I will endeavour to amend it in Committee; and after I have seen the effect of our Amendments in Committee, I will determine what course to pursue on the third reading; but I will not join in any party move against it." That pledge, as a man of honour, I feel bound to redeem; and I feel sure that others of the Liberal party who have given the same pledge would also redeem it, and that no secondary considerations of party exigencies or requirements ought for a moment to weigh against what is due to that question of Reform which we are all pledged honestly and unselfishly to promote. The interests of Reform, then, and not the interests of party, being what we have to consider to-night, what do those interests demand at our hands? It is admitted that we, the Liberal party, have excited the national expectation of Reform—and it is we who have proclaimed the necessity for that Reform. It is admitted that our own efforts at legislation have hitherto failed. It is admitted that it is the most difficult of all questions to cope with, and the most delicate and perilous to trifle with. It is admitted that a settlement is desirable—that a period of tranquillity is the most favourable for that settlement—and that it can only be accomplished by the honest cooperation of both sides of the House, and a scrupulous abstaining from all mere party moves. Above all, and over all, it is admitted that we—the Liberal party—have an immense numerical majority in this House; and if we go into Committee, sincere and united in the desire to pass a good Bill this Session, we have an absolute power to mould the present Bill into any shape we please, and to cast on our opponents the responsibility of rejecting it. Yet, with all these admissions—with all these advantages—with the opportunity they furnish—the responsibility they impose, how are we about to act? We are invitéd to-night by a short, summary, and, as it may prove a suicidal process, to forego every one of these advantages, and to incur the peril and the odium that must sooner or later attach to rendering all legislation at this time impossible, and postponing it to a period when the passions of the million may be brought in to override and usurp the functions of the statesman.

Now, Sir, I feel that there never was a question with regard to which it behoves the Liberal party to walk more warily and circumspectly, and that—whether we consider the interests of Reform, or collectively and individually our own political character. It is we who, ever since 1851, have kept the question dangling before the eyes of the nation. It is by us that promises have been made, and performances postponed in a manner which has certainly not diminished the difficulties of legislation. We are, on this Liberal side, a numerous, an active, and an earnest, and we ought to be an influential, body, and yet, while we are doing penance on these benches for past mistakes, we are to-night on the point of precipitating ourselves into another mistake, greater than all, and with our dear-bought experience, the most unpardonable of all. I differ from what has been said by the right hon. Gentleman below me as to the effect of passing this Resolution. I can consider it as nothing but tantamount to the rejection of the Bill. I should be very much surprised if the Government received it in any other sense. My Parliamentary experience is not quite so lengthened as that of the right hon. Gentleman, but in the course of twenty-three years I can recollect no precedent for a Government accepting such an Amendment on the second reading of a Bill, and submissively retaining office one day afterwards. It is a rejection of the Bill, which is to be brought about by an alliance of those leaders who have most influence among sections of Liberals. The three great liberal potentates, the noble Lord the Member for Tiverton, the noble lord the Member for London, and the hon. Member for Birmingham, have agreed to vote for this Resolution, but the House should consider what is the real character of this agreement. Is it founded upon any community of opinion? I feel bound to put the question in order that we may clearly understand what upon the question of Reform itself, are to be the consequences of the vote we are to give to-night. I ask whether the unanimity which has been arrived at is founded upon the love of Reform? Is it founded upon an identity of sentiments on the shortcomings of the Government Bill, or is it founded on a common understanding as to the basis of the Bill which should be substituted for it? I feel that before we rush into this division we ought carefully to contemplate the consequences. I know there are many people who imagined that the very dwarfish proportions of this Bill, which called down consistently the condemnation of my hon. Friend the Member for Birmingham, would be merits in the eyes of other opponents of the Government and would have induced them to support the second reading.

As to the opinions of the Member for the City of London on reform, there can be no doubt, and if any question is anywhere raised as to the motives by which he is actuated, and throwing any doubt on his zeal or attachment to the cause, it will meet with no sympathy in this House, and will be refuted by the whole tenor of his life. Of all the official men of our day, the noble Lord has stood out so prominently as to stand almost alone in his advocacy of reform. His name will descend to history imperishably engraven on the Act of 1832. He was the parent of the Bill of 1852. He was the author of the Bill of 1854. It was the secret dread of the noble Lord's influence which exacted the unredeemed pledge of 1857; and again, it was the same mysterious terror of the noble Lord that persuaded a Conservative Ministry of the very questionable expediency of making Parliamentary Reform a Cabinet question. Now, all this is a great homage to the noble Lord's power, founded on a conviction of his sincerity; but it casts on him a proportionate responsibility—for no one knows better than he does the difficulties which surround the question. Twice has he essayed to pass Bills of his own. The last, in 1854, went further than anything sketched in the Amendment to-night in extending the franchise, in extinguishing small boroughs, and granting all that he could again attempt in another Bill. Why did that Bill fail? because, as the noble Lord told us at the time, the country failed him. The Bill excited no sympathy in the House, and no enthusiasm out of it. [*Cries of* "No!"] I beg pardon. I remember the noble Lord's words. The noble Lord knows it excited no sympathy in the House, and he stated that it created no enthusiasm out of doors. As a proof of the national apathy, the noble Lord, in withdrawing that Bill, stated that in the course of the whole Session only eleven petitions had been presented in favour of Parliamentary Reform, and only four of them were in favour of the Government measure.

I have always thought that it was a mistake on the part of the Government of 1854 to lay down the Resolution to deal with Parliamentary Reform only by a large and comprehensive measure. I thought it a mistake for two reasons. In the first place, I think a Minister of the Crown, in his very responsible position, before he proposes a great change in the constitution of the country, ought well to estimate his strength to carry it. While I think nothing so mischievous as for an honest Minister to open a question which he cannot settle, and let loose opinions which he cannot guide, I think it positively criminal in any colleague of that Minister to become a party to proclaiming to the world that our representative system is replete with injustice and abuse, unless in his heart he be clearly convinced of the existence of those abuses, and resolutely determined to uproot them. The second reason why I thought it a mistake was, that the Bill, which was intended to propitiate a large section of Reformers, did not touch the question to which they attached the most importance. Every representative of a popular constituency must be aware of one fact—in the opinion of the House it might be right or wrong: it might be reasonable or unreasonable; but of the fact there could be no doubt—that the point in reform to which popular constituencies attach the most importance, is the question of the ballot. They say that, compared with that question, all other concessions are insignificant and worthless. Many who are without the suffrage say that enfranchising them without protecting them is conferring a curse rather than a blessing. If this be so, the fact must be known to every Liberal Minister who attempts to settle the question.

But the Bill of 1854, without popular support, failed, and unsettled everything; if, without the ballot, it had been passed, it would, as regards the largest section of Reformers, have settled nothing.

Subsequent experience has only confirmed me in the opinion, that there is no wisdom in making legislation on Parliamentary Reform an exception to legislation on all other subjects. In other matters the rule is to proceed gradually, safely, and with as little general disturbance as possible; but on the question of Parliamentary Reform we have laid down the rule that we shall only legislate once in a quarter of a century—that for twenty-five years abuses and evils shall go on accumulating—that Reform shall be postponed until it become a revolution—and no sooner have we settled down after one revolution, than Ministers ask us to enter on another.

There were thus the Bills of 1852 and 1854, and the Cabinet Bill of 1857; the last measure, from causes unnecessary to go into, never came before the House. The Ministry of Lord Palmerston undertook to steer us through the question; but no sooner did they launch their vessel than they run aground for want of the old captain who had alone studied the chart.

Three Liberal Ministries, one after the other, have failed in what was their special mission, a Conservative Cabinet undertook the task, and with their Bill we have now to deal. They invite the House to read it a second time, that the necessary Amendments may be made in Committee, and the Chancellor of the Exchequer himself has given notice of some Amendments. I do not put the construction on the speech of the noble Lord (Lord Stanley) given by the right hon. Member for Halifax (Sir C. Wood)—that he intimated that the House must accept or reject the Bill, as it lay on the table, without any Amendments.

I hold that Bill in my hand. I have examined it, and compared it with previous Bills, as carefully perhaps as any Member who will vote on it to-night; and this I undertake to say—and I say it boldly and publicly, and without fear of contradiction—that if we are sincere in the wish to pass a good Reform Bill this Session, this Bill is so constructed that it may be made in Committee a far better Bill than is indicated by the noble Lord's Resolution, and a far more liberal, and popular, and comprehensive measure than has been submitted to us since 1832; and that by fewer Amendments, and shorter Amendments, and simpler Amendments, and less derangement and disturbance of its general structure, than takes place in ninety-nine out of every hundred Bills of the same length that pass through Parliament, and become law.

If this be so—and I challenge refutation—for I shall be surprised if any lay Member of this House denies it—I shall be still more surprised if any lawyer, versed in the mechanism of Acts of Parliament, hazards his reputation by an attempted contradiction—if this be so, I ask what reason can we give to the country—what excuse shall we offer to our constituents—for having thrown the country into all the turmoil of a general election, and that, at a most critical moment in national affairs, by refusing even to consider a Bill which Parliament has the fullest opportunity to amend and pass?

I wish to make one remark on what has been said, rather hastily, I think, as to the position in which the Government has placed itself towards the House and the country by proposing a very small and insufficient measure. Many hon. Gentlemen expected that the Government would propose a very large measure, and indeed that it would make a very high bid for Radical support. Some believed that, if it did not rival the plan of the hon. Member for Birmingham (Mr. Bright), it would at least relieve the hon. Member for Bristol (Mr. H. F. Berkeley) of the necessity of making his annual Motion on the ballot. For myself, I had no such expectation, and therefore I feel no such disappointment; and for this reason, because I never desire to see—the occupants of that bench—the Ministers of England—take a course that is detrimental to the public morality of England. I have seen great questions carried by Ministers surprising and surrendering their party, but it has impressed me with no wish to see the experiment repeated. I have observed that those surprises and surrenders never take place till public opinion has practically settled the question; and the very slight acceleration then given to a popular triumph, is a most inadequate compensation for the irritation that is caused — the imputations most unjustly cast—the shock that is given to confidence in Parliamentary leaders, whose influence would still be valuable among us; and, above all, for the wound inflicted on the nation in the very heart of all that is at once our pride and our security—the unsurpassed and priceless honour of our public men.

We saw the other night how the right hon. Member for the University of Cambridge (Mr. Walpole) and his colleague (Mr. Henley) were received when they rose to explain to the House why they had quitted office. They were lately Ministers of the Crown; with their reasons for ceasing to be so, we may or may not concur; but we all feel that the position they now occupy is at least as exalted as any that office could bestow. And we all, on both sides of the House, political friends or political opponents, acknowledge to them a common obligation for adding another to the many evidences already existing, that it is something higher than talent and nobler than eloquence that constitutes the true greatness of the assembly to which we are all proud to belong.

It is, therefore, no matter of regret or astonishment to me, that a Minister in the position of Lord Derby should not have propounded a scheme that would have justly excited the indignation of his friends and the taunts of his opponents—aye, and the scorn of the country.

I feel the difficulty in which I stand, while expressing opinions with respect to the Bill, which, of course, are not favourably received by many with whom I am anxious to agree. At the same time, it is the duty of every one to study the measure for himself and form his own opinion on its merits. The Resolution of the noble Lord (Lord John Russell) strikes at two blots of the Bill, which are not only defects, but great defects. Others might, perhaps, be pointed out; I am not prepared to say, that others could not have been selected as great as those on which we are asked to pronounce condemnation. But still less am I prepared to say that they cannot be amended in Committee. The first fault is, the change as to the 40*s.* freeholders—resident in towns—with respect to the county franchise; but what proportion of the Bill does that change affect? It is contained in the first clause; and in how much of the first clause? That clause runs through three pages. By striking out the last line of the first page, and eighteen lines of the second, or about one-fourth of the first clause—in a Bill containing seventy clauses —we shall get rid of the provision affecting the 40*s.* freeholders. Is that a very serious Amendment? Why, I have often seen whole clauses expunged from a measure? and it would be a far more regular, business-like, and effective way of getting rid of the obnoxious provision to make the Amendments in Committee, than to meet it by a Resolution on the second reading.

The other defect is in the provision relating to the franchise in boroughs; the non-extension of that franchise is a great and admitted defect—but that was dealt with in the noble Lord's Bill of 1854. How? By one single clause. I have that Bill of 1854 in my hand, and I find that the 18th clause reduces the borough suffrage to £6. Then if we are anxious, as we all are on this side of the House at least, to extend this right of voting in boroughs, I ask any candid man whether the course I suggest is not the more reasonable course, namely, to propose it as an Amendment in Committee, and there to insert it in the Bill? The amendment of the Bill by a precise clause, stating the exact point to which we will reduce the suffrage, is surely a more business-like proceeding, than the adoption of a Resolution so vague and indefinite as the one before the House.

The provision respecting voting papers is another defect in the Bill; but nothing can be more easy than to move that those clauses be expunged.

But whence arises the dread of going into Committee on this Bill? There are, as I have shown, many reasons for it besides the good rule of Parliamentary usage. I can conceive only one against it. It may be apprehended that if we once get into Committee to a discussion and reconstruction of details there might not be that entire harmony and accord which now dawns so auspiciously upon us; and united action might be found impossible. Well, but if we, the great Apostles of Reform, have no common creed, and cannot trust one another on Reform, is that a reason why we should tell the Gentlemen opposite to make way for a Ministry that is ready to settle the question? But that is what we are about to do. Union for one pitched battle is accomplished—Union for a campaign may be impossible—but unanimity, even for one night, is a great Godsend—let us make the most of it while it lasts—and though we may damage Reform, at least we may storm Downing Street.

This opens a new and interesting aspect of the question; and my only remark on it is this—that if we, on this side of the House, are ready to assume the Government—and anxious to turn out the present Government—I think it would be a more manly and a more direct course—and, considering the enormous disparity of force on the two sides of the House, it would be a more magnanimous and elevated course—to show a bold front to opponents whom we outnumber in the proportion of two to one, and meet them before the country, face to face, with an avowed purpose and a true issue, rather than mask our approach under a disguise that is too flimsy to conceal either our weakness or our designs.

I have been for many years as ardent a party-man as any in this House; and I am as ready now as any of my Friends to join in any party move that can be openly avowed and justified. But I have a most painful recollection of party moves that could not be justified, and of which the disastrous consequences have recoiled fearfully upon ourselves.

Sir, I remember, not many years ago, the case of a great Minister who had placed himself at the mercy of his opponents by a display of patriotism that had wrung sacrifices from himself, proportioned to the benefits he wished to confer on his country. The resentment—the natural, and perhaps pardonable, resentment of his friends placed him in our power. It was an occasion for magnanimity. But the temptation was before us; it was great—too great; in an evil hour we yielded to that temptation, and perpetrated a great Party crime.

The vote which I gave on that occasion was the one act of my political life to which I look back with shame and self-reproach. I was the last man that passed most reluctantly behind the Speaker's chair to the Division-lobby; and mine was the first voice raised against what I characterized as the infatuation of the new Government, in proposing to continue the very act on which they had ejected their predecessors. That vote, in 1846, impressed me with a painful conviction of something more than the fallibility of those who so absolutely disposed of the fortunes and character of the Liberal Party. I have ever since exercised, on party questions, that independent judgment which no man to-night can, without very serious responsibility, abandon.

But what were the effects of that vote on our party generally? A speedy retribution followed. Is it not a matter of history that the Whigs, as a party, have never prospered from that day? In that severance of friends that dealt the death-stab to the Cabinet of 1851—in the humiliation of 1853—in the yet heavier trial that smote and consumed them in 1855, when the most illustrious of their body went out from among them, in the meridian of his days—to seek other sympathies for the time—carrying with him all the noblest traditions and living renown of the Party, and leaving such a void behind—in that material and moral ruin of a great historic Party, the world saw both a retribution and a moral.

And did the plague which smote the leaders spare the followers? Why, in what condition have we been ever since? In what condition as a Party are we now? Can we be justly dignified with the title of a Party? For the last twelve months we have been less a Party than a mob. Without leaders—without union or combination—without a common policy, principle, or purpose—we have exhibited the most piteous spectacle—a spectacle of the utter disorganization and the low estate to which a great party may sink, never to rise again as long as it persists in dealing only with the superficial causes of its calamities, and leaving the real cause untouched. Look at the Resolution before the House. Wise heads, secret influences, have been at work upon it. It has come forth in the name of the noble Lord who is the putative parent; but whose image and superscription does it really bear? Not the noble Lord's, for it is a satire on the manliness and directness with which he grappled with the Bill on its first appearance. It does not reflect the wishes of the noble Member for Tiverton, because we are well assured that his sympathies and sagacity would lead him to favour the second reading of the Bill. No, Sir, it rather indicates that another victory has been achieved by that lower substitute for statesmanship which has so often meddled and manœuvred within Whig Cabinets, and outgeneralled both the noble Lord the Member for Tiverton and the noble Lord the Member for London—discrediting their Governments, and involving them and their followers in one common ruin.

I can only now repeat what I stated at the outset, that the gravity of the vote we are about to give can scarcely be overrated. If I felt that by supporting the Amendment I should be increasing the noble Lord's influence for public objects, I should be anxious to afford him every assistance; but believing, as I do, that if we reject this measure, we shall be rendering all legislation for some time impossible, the success of the noble Lord would only be the commencement of his difficulties, and would involve the country in still greater difficulties. The Ministry has been likened to a sick man, sick even to death; and if the noble Lord must rush in to despatch him, it is unfortunate that this question of Parliamentary Reform should be used as the instrument with which to deal a blow that is sure to recoil upon himself. If the Ministry have to go out upon Reform, we (the Opposition) should have to construct our new Government on that question. We should have to propose a larger measure of Reform: but can we carry it? Nothing, as I said before, can justify a Minister proposing a large measure of Reform except the certainty that he has the strength to carry it. Has the noble Lord that certainty? Popular support failed him in 1854. Has he more assurances of that popular support in 1859? And be it remembered he will have before him a more compact and formidable Opposition; the contest will be embittered by the contumelious rejection of this Bill; and the Opposition, if it chose to use Parliamentary Reform as an instrument of embarrassment, may allege that you have furnished them both with a precedent and provocation.

What, then, would be his position? His Bill is introduced. The hon. Member for Bristol would place on the Votes a Resolution which, after your successful example, he could not avoid, that no Bill having for its object a Reform of Parliament ought to pass that did not concede the ballot.

But suppose Gentlemen who would be then on the Opposition side of the House, chose to deem this a family difference which the Patriarch of Reform should be left to settle with his "own children;" and instead of taking part in your family division, should go home to their own family dinner, what would become of your Government? You would be outvoted by five to one; your Government would be gone, but would the question of Parliamentary Reform be gone? No—it would not be gone. It would have slipped from the hands of Parliament, it would have gone out of the Councils of Cabinets—but it would fall into other hands elsewhere; legislation you will have made impossible, but agitation inevitable and more successful. That agitation will proceed year by year with more and more party dirt thrown upon it, with Ministers, and Parliament, and public men weakened and damaged, and discredited, until a period shall arrive when the sky may not be so tranquil; when commercial difficulties and manufacturing distress may dispose an ill-employed and heart-wearied population to meet the tale of their grievances half-way; and then, with tumultuous gatherings in the provinces, with telling references to official speeches delivered for one purpose, but now available for another; with the table of that House laden with petitions, and its avenues thronged with excited crowds, then even the hon. Member for Birmingham, whose position among leaders to-night is the only one that is sound, and logical, and consistent, even he will, if his influence should still survive, which is very questionable, for a man who believes what he says, and will only say what he believes, will find numberless candidates for popular favour anxious to discredit him—even he, if his influence should remain—may be looked to as a Preserver, and his Bill accepted gratefully as a compromise against the angry passions which our blindness and folly will have done so much to stimulate and inflame.

Sir, I can understand Gentlemen voting against the second reading of this Bill, and I can understand Gentlemen voting for it, in the hope of having opportunities afforded for amending it in Committee; but I confess I do not envy either the courage or the conscience of the man who can bring himself to-night to assist in the rejection of a measure which his judgment approves.

Mr. A. MILLS said, that one result of the noble Lord's Amendment would be to compel many to speak their sentiments who might otherwise have been contented with giving a silent vote. He thought that to call on the House of Commons to vote on a proposition involving two issues, and on which a simple "aye" or "no" was, if unexplained, liable to be misconstrued, was a great Parliamentary evil. It was for that reason he had voted against the Motion of the right hon. Gentleman the Member for Ashton, to which the noble Lord the Member for London had referred. It appeared to him that the movement on this occasion was distinctly open to the same objection. The practical consequence of passing the abstract Resolution of the noble Lord would be the indefinite postponement of all Parliamentary Reform. The noble Lord had said his Amendment would not necessarily lead to that result; but if he (Mr. Mills) had entertained a doubt on that point it would have been dispelled by the able speech of the right hon. Gentleman who had just addressed the House. At the same time he must say that he acquitted the noble Lord of designing to make a mere party move, for he had heard the noble Lord express his views on the Ballot most decidedly and manfully, even to those who threatened to withdraw their support from him if he opposed it. But if the necessary consequence of the Amendment would lead to indefinite postponement he should conclude that they were trifling with the question by assenting to the noble Lord's proposition, though he thought some parts of the measure would need alteration in Committee. To the proposed disfranchisement of the freeholders, and still more to the introduction of non-resident freeholders into boroughs he decidedly objected. He did not share in the opinions of those who mistrusted the working classes; but he thought one of the best ways of disarming agitation would be to bring them gradually within the franchise. The demonstrations that had taken place throughout the country on this question had no doubt been numerous, but he thought they were not deserving of the highest consideration, and, as showing the style of some of the resolutions, he might say that at a late meeting held at Rochester one of the Resolutions unanimously adopted was, that unless the police interfered the party there assembled "would not go home till morning." A strong expression of public opinion on the Bill had not yet been made. There was a very strong opinion, however, amongst both electors and non-electors, that the Bill should be allowed to go into Committee. He believed that there were those who wished for no Reform Bill until bread was dear, in the hope that they might then be able to agitate with greater effect in support of their own extreme measures. He hoped that the wishes of that party would be disappointed. If the present measure were unfortunately rejected, he should feel it his duty to give his earnest support to any Ministry, whatever might be their peculiar politics, who would endeavour to procure an adequate and satisfactory solution of this question during the present Session.

MR. KNATCHBULL-HUGESSEN said, he must congratulate Her Majesty's Government upon the supporter whom they had found on that side of the House. After the very lukewarm support which they had received from their friends, it must have been satisfactory to them to find upon the opposite benches a right hon. Gentleman (Mr. Horsman), never very famous for agreeing with his friends, who had found it possible to agree with them. Great indignation was expressed at the noble Lord having proceeded by way of Resolution, which indignation arose, he thought, from the recollection of the Resolution of February of last year, and a fear lest it might lead to similar consequences, and result in the displacement of a Ministry. Parliamentary Reform had become a matter of necessity. Successive Ministers had sanctioned the opinion that something must be done. What they had to answer was the great and important question. What did they want? He believed that no Reform would be satisfactory to the country unless it contained two important ingredients—a large extension of the franchise and a redistribution of seats. He did not go in the latter respect as far as the hon. Member for Birmingham (Mr. Bright). He did not agree in his schedules. He believed that to abolish all the small boroughs would be a great misfortune; but it was impossible not to recognize the fact, that during the last twenty-five years many small towns had become large ones, and many boroughs had become insignificant places. With regard to the extension of the franchise they ought to be able to show some reason for extending it, and some reason for stopping at a particular point. The £10 franchise in counties, he thought, must be introduced; first, because the £10 householders in boroughs had now been tried and proved worthy of the franchise; and, secondly, because the House of Commons had more than once deliberately pronounced an opinion in favour of this extension. But when they came to boroughs they must of necessity deal on more general principles. They must consider the advance of knowledge which had taken place on the part of the working classes. He did not advocate manhood suffrage or household suffrage, but he believed the £10 occupation franchise did not reach the working classes. He thought the borough franchise must be lowered; but, in that lowering, he believed that it would not be wise to include men unless they were rated to the poor and paid their own rates (instead of having them compounded for by their landlords), and he conceived that to adopt a franchise founded upon such a basis would be a conclusion satisfactory to the House and the country at large. It might be unsatisfactory to hon. Members below the gangway, but it was desirable that they should unite on a suffrage which was likely to be carried. This Bill fell short of those great principles which ought to guide them, but when they considered by whom the Bill was introduced, he did not wonder at its defects, nor did he blame the Government, because he knew the difficulties they had to contend with. Like every other measure which Her Majesty's Government had brought forward it was a measure of compromise. He recollected that the present Prime Minister once described the British constitution as founded upon a series of compromises; and his followers since their accession to office had proved themselves faithful adherents to the noble Lord's doctrine, for they had compromised, one by one, all those great principles which formerly held them together as a political party. The Liberal Members were told by the supporters of the Bill that unless they allowed the second reading of this measure they would get no Reform this year. Well, anxious as he was for Reform, he would infinitely prefer seeing it postponed, than consent to a bad measure. Then they were told that the Bill could be amended in Committee. So it might be as regarded details—but the points referred to in the Resolution of the noble Lord were not details—they were the vital principles of the Bill; and, if they were altered, the Government would not proceed with their measure—when a measure was introduced, the House in giving leave to introduce it, merely affirmed that they were willing to consider the subject of which it treated, as a fit subject for legislation; but when they were voting upon the second reading of a Bill, they were called upon to affirm or to deny—not that the subject ought to be dealt with—but that the Bill dealt with it in that manner and upon those principles of which they approved. He objected to the principles of this Bill—to the uniformity of suffrage—to the disfranchisement of a class of county electors—to the refusal to lower the borough franchise, and therefore he could not consent to the second reading. The Government boasted that under their Bill no borough and no person would be disfranchised, though certainly the right hon. Gentleman (Mr. Disraeli) admitted that the dockyard labourers would be "disqualified." This was a distinction without a difference. But they might be asked why, then, they did not vote against the second reading at once? But if they did that, the country would be told they had voted against Reform. Now the Liberal party did not mean to be "done" in that manner. They meant to raise an intelligible issue before the country, namely, that while desirous of Reform they preferred waiting for it to accepting the miserable abortion which had been presented to them by the Government, and they meant to state distinctly the principles upon which they were prepared to legislate. The Government, no doubt, hoped to carry the second reading by the support of those Liberal Members of small boroughs whose constituencies they had so mercifully spared, but he trusted that those hon. Gentlemen would pursue a more manly and straightforward course. The borough for which he himself sat (Sandwich) was one that had been scheduled in the scheme of the hon. Member for Birmingham, but at the proper season he should be prepared to show that, being an increasing and independent borough, it ought not to be so treated. Nevertheless, whatever the fate of his seat, he should be ashamed of himself and of his constituents if he were to think of voting, or if they thought of asking him to vote for a bad Bill, merely because they were safe from attack under its provisions. Although some hon. Gentlemen might doubt it, he still believed that there was such a thing as political principle in the world; and he was not himself at any rate old enough to have repudiated all his. It had been rumoured that if the Government were defeated, there would be a dissolution. Did Ministers think that the House was composed of children, to be frightened by such threats? For his own part he did not believe that the Government dared go to the country on this question, and that if they did make such an appeal they would find themselves woefully mistaken. However the Liberal Members might be taunted with factious motives, he had no doubt that they would persevere, would reject the Bill, and would agree to the Amendment of the noble Lord.

Mr. NEWDEGATE, who had been loudly called for, observed that he could not help appreciating the force of the remark made on the introduction of this Bill by the hon. Gentleman the Member for Sheffield, who said that it would have been better if the Government had brought in no Reform Bill than that now under discussion ; and he put it to the Government whether they were not now creating their own difficulty by adhering to the principle of uniformity of suffrage and equality of franchise. He had listened to the statesmanlike speech of the right hon. Gentleman the Member for Stroud (Mr. Horseman) with satisfaction, for it showed that hon. Gentlemen opposite, inspired with moderate views in favour of Reform, were ready to assist in any well-devised scheme having that object for its end, but were opposed to uniformity of qualification. He asked the Government whether any one of their own supporters had ventured to defend that principle. He had been one of the earliest Reformers on the Conservative side of the House, and he had for years urged on the Conservative party that they should not refuse a moderate reform or oppose the second reading of any Reform Bill, provided it did not contain some vicious principle. But the misfortune which appeared to have overtaken the Government was that they had contrived to base this Bill upon a principle which was objected to by both sides of the House, and which was vicious. He was most unwilling to oppose a measure proposed by the Government—he was most unwilling to find himself at variance with those with whom he had acted for fourteen years, and whose policy he had long and earnestly and to the best of his ability laboured to support—but nothing would induce him to vote for equality of suffrage, or any measure which tended directly to place the institutions of England upon that false principle which had already been tried in France, and had led to anarchy and bloodshed, resulting in the destruction of the liberties of that country. Nothing would induce him to vote for the introduction into the political framework of this country of that principle which having been adopted as the basis of the Constitution of the United States, was scarcely sooner adopted than departed from. Every one who knew anything of the Constitution of the United States was aware that soon after the Constitution was established the coloured population of the country generally were declared incapable of the franchise: and yet the principle of equality of the franchise was mitigated by the system of federation of the States, each of which was to a certain extent sovereign in itself, and each, or most of which, instituted differences in the qualifications for the franchise. Was the British Parliament about to adopt principles which had been tried and had failed in other countries, to the degradation of those great features of our Constitution which even the most advanced Liberals were ready to defend? Was it, he asked, natural that a Government drawn from the Conservative ranks should force upon their followers the adoption of a principle of so democratic a tendency that even the hon. Member for Birmingham, when he thought it would be carried to its legitimate issue, condemned it as the most democratic proposal he had heard enunciated. He did not think hon. Members really understood how the principle would work. The principle which the Government sought to enforce was the equality of the franchise in boroughs and counties. What was their avowed object? The preservation of small constituencies. They told the voters in the counties that by lowering the franchise to £10, and by the new arrangement in respect to freeholders, they conferred a great boon on the county electors. But the county voter would say, "True you have given me a £10 franchise, and thereby placed me on an equality in that respect with the borough voter ; but why do you not give me something approaching equality of representation? Are you going to give me the franchise as you would give a bauble to a baby? How comes it that, after you have declared me and my neighbour, who holds a 40*s.* freehold, equally qualified with our neighbours within that borough on the limits of which we live, the £10 franchise and the 40*s.* freehold give each of us, the county voters, the 14,000th part, perhaps, in the return of a Member, but gives our borough neighbours each the 1,000th part in the return of their representative?" He (Mr. Newdegate) must declare his conviction that it was contrary to common sense to adopt the principle of equality of suffrage, and yet make little or no advance towards that of equality of representation. The English were a composite people, and, as a people of composite race, had never been represented on the principle of equality. He agreed with the Government that the different interests of the country should be represented; the English people were of various races, and had interests as varied. There was the agricultural interest, there was the mineral interest, the manufacturing interest, the monetary interest, the maritime interest, and the colonial interest to be represented in the House. He contended that full scope and means should be given for the representation of each of these interests, and he knew no better mode of affording that scope and those means than by the retention of differences in the size of constituencies; but the principle of the Bill was inconsistent with that system. There might be a difference with respect to the length to which the principle of small constituencies should be carried, and as to the number of Members that should be added to large constituencies. There might be variations in opinion with respect to the degree to which these principles should be directly applied, but as far as the present debate had gone there had been only one opinion expressed on this point, and that was that the principle of the Bill was inconsistent with the object of the Government, if that object was the preservation of small constituencies. He was a Conservative. He desired to see the framework of the English system of representation preserved; and he trusted that the Government would not attempt to fetter the House by insisting on the adoption of this arbitrary principle, which led directly to the establishment of equal electoral districts, a measure which even the Member for Birmingham had denounced as democratic. He hoped the Government would yield to the unanimous expression of opinion, and not endeavour to fetter that House by a principle which hon. Members of very different opinions in other respects were all agreed in repudiating. He understood that the reason for the adoption of the £10 franchise in counties was, that the majority of the House had, in the opinion of the Government, voted for the unnatural reduction of the county franchise. The reasons for the adoption of this principle by the Government were transparent. They sought in the principle of uniformity a compensation for their defeat on the county franchise, a decision which they erroneously fancied to be final on the part of the House. But if the Government wished to carry a Reform Bill, they must not endeavour to fetter the House by this principle of equality. At all events, it was one which he, as a firm Conservative and a consistent Reformer, could not support.

Lord ROBERT CECIL said, he would move the adjournment of the debate. ["No, no!"] Well, as it did not seem to be the wish of the House to adjourn the debate, he should proceed. As he had not heard any hon. Member enter into a vindication of the ministerial proposition for taking away the second vote in the case of freeholders in boroughs, he should briefly call the attention of the House to the position in which the counties stood in respect of the boroughs in regard to the franchise. It appeared clear to him that there was at present no equality in the representation of the counties and boroughs. The rural population did not enjoy that consideration in the apportionment of seats which their numbers and wealth deserved. If they enfranchised the £10 householder in counties they immediately infused into the rural populations an enormous element, the sympathies of which were exclusively with towns. The populations ceased, in fact, to be rural. Some counterpoise must be given, and how was it to be obtained except by taking away a franchise which was utterly anomalous and without principle? He did not think that the disproportion between the representation of counties and that of boroughs had been sufficiently considered by gentlemen who had spoken throughout the country on the subject of Reform. The property in Schedules A, B, D, for counties, as appeared by the official Returns recently laid before the House, was £117,000,000; for boroughs, £101,000,000. The proportion of the representation was as 159 to 339. If they adopted the property qualification as a standard, the representation should be as 262 to 234; and thus 103 Members ought to be taken from the boroughs and given to the counties. Taking the Schedule A alone, it would be necessary, in order to redress the inequalities of the representation, to transfer 130 Members from the boroughs to the counties. Taking Schedules B and D as the standard, the number of Members to be transferred from the towns to the counties would be 134; taking population, it would be 134; taking electors, which was the weakest point of comparison for the counties, they would still have a right to eighty-one seats which at present were in the hands of the boroughs. In the remarks made by the hon. Member for Birmingham on the subject of votes in boroughs and votes in counties, that hon. Member said that there were many boroughs which were rural in their character, but he left out of consideration the difference between the franchise in counties and towns. There might be many acres round boroughs, but those acres would not give a vote, which every house in the town would, and therefore a large extent of rural property could not outweigh a small amount in boroughs. In the case of those boroughs which the hon. Member had called small counties, the fields round the outskirts were held by large farmers, and no large amount of rural voting was infused. Nor was it correct to say that agricultural boroughs were entirely rural in sympathies and feelings. A shopkeeper was a shopkeeper still, whether he lived in a large borough or a small, and he took an interest in none but shopkeeping questions. In agricultural boroughs they did not ask you about the malt-tax or financial boards for counties, but the teadealers asked you about the tea duty, the chemist inquired about the Sale of Poisons Bill, and the attorney requested you to oppose any scheme for registration. The truth was, that in small boroughs as well as everywhere else every man looked after his own interest, and did not care a straw for those of his neighbours, and that small boroughs were as much urban in their sympathies as large ones. But, said the noble Lord the Member for the City, the counties were so dependent upon the will of the landowners that it was necessary to pour in some 95,000 or 100,000 borough freeholders, because they were more independent and liberal than the rural voters. He fully believed that those freeholders had been the mainstay of the noble Lord's party, but he did not understand the noble Lord to say that he would adhere to this principle hereafter. There were many persons in that House who spoke as if the influence of educated men had something in it obnoxious and poisonous; they looked upon those who were not influenced by any above them in rank, such as the electors of Finsbury and Lambeth, as model constituents. He did not join in this sentiment; the principle guiding it was not a good one. The hon. Member for Birmingham (Mr. Bright), and those supporting him, had professed that they did regard property in their schemes for reconstructing the representation of the people, because in selecting the towns to which they proposed to give new Members they chose those where there was the largest amount of taxes, or the largest amount of property existing. If they entertained an idea that that was really a protection of property, or that it could take the place of any other guarantee of property interests being consulted, they were labouring under a very great and obvious fallacy. They said they represented property, but they could not say that except by a metaphor; what they represented, if anything, was wealthy men. But in giving these Members to wealthy constituencies they did not represent wealthy men, but poor men who lived in the same district with wealthy men, and the poor men would always outvote the men of property. Consequently there was no sort of protection to property in constructing the representation on such a basis. Some other protection to property than that was, therefore, necessary, and it was not wise to apply the language of depreciation used by the noble Lord and his supporters to the influence of men of superior education. But another great fallacy was apparent in the arguments of the supporters of the second part of the noble Lord's Resolution. They urged extension of the franchise to working men, not because the condition of the working man would improve the character of that House, but because the working man was worthy of it. He admitted the soundness of their view as far as the abstract question of their worthiness was concerned, but the worthiness of the working men was not in question. The question was would their introduction conduce to the security of the institutions of the country and form a change in the Legislature of a beneficial character? The reason that it was not considered judicious to descend to the principle of voting by Ballot or to that of cutting up the country into electoral districts, was that it was impossible to admit the working classes indefinitely, however worthy they might be, even if educated morally up to the last degree without swamping every other class. The great object of all constitutional restrictions was to prevent any majority tyrannizing over a minority—any class dominating over another. No matter what the class, if it were able to rule another class, such was the selfishness of mankind, tyranny was almost sure to result. The principle, therefore, of constitutional perfection was to check every class by another class. If every one worthy of the franchise were admitted to its enjoyment it would not be possible to stop at a £6 or £5 franchise, for at the rate at which education was going on everybody would soon be worthy of it, and then the whole political power of the kingdom would be launched into the hands of a single class, and that the lowest—a class which had the least stake in the welfare and prosperity of the country. Here intervened the fallacy of those who supported the second part of the noble Lord's Amendment, and who called for the admission of the working-classes, or those worthy of it, to what they called "a share" of the Government of the country. They perpetually used that word "share;" but it was not a question of share at all; indeed, there was no idea of "share" in the subject. It was a question between them and the class at present enjoying the franchise. If they come in, all other classes must abdicate. Their number was such that every other class would be swamped. Therefore it ought to be treated as a question of absolute surrender or nothing at all. He admitted that the question was surrounded with difficulties of an extreme character. The working classes naturally felt sore at having this privilege denied them by an arbitary line being drawn, it was certainly felt by them hard that they should be excluded by a £10 franchise and those who came nearest to the line thus drawn, naturally felt it a very great privation. But it was necessary to draw the line somewhere, and however low it was taken there would always be a class below it as discontented as the last. The only way, therefore, of reconciling the impossibility of handing over to the working classes the political power of the kingdom seemed to be by maintaining that influence of the educated classes over the lower which it was the object of many modern Reformers to destroy. The great model of a modern voter was what was called an independent man, and as the lower classes consisted entirely of independent men, he did not see how, under such a representation, it was possible that any Government, except that of a democracy, could be carried on. He called upon those supporting this Amendment to consider the course they were taking, and to ask themselves whether supporting a mere party move was a course reconcilable to their patriotism or their consciences. Those who sat above the gangway did not mean the same as those below it. It was clear that the public opinion on which they relied to discredit the Government Bill was not the public opinion with which they sympathized or which would support them hereafter. Every meeting that had been held had advocated measures which the hon. Gentlemen opposite would refuse to grant. All the great towns had called for manhood suffrage, triennial Parliaments [*Cries of* "No, no."] He repeated the assertion; Nottingham, Manchester, and all the Metropolitan boroughs had spoken in favour of every principle advocated by Mr. Ernest Jones, and it was quite clear hon. Gentlemen opposite would not grant them. He would refer, not at any length, however, to the speech of an hon. Gentleman well known in that House at a meeting at Walsall reported in the *Times* of that morning. Mr. Foster had stated his opinion with respect to the course that would be pursued by Lord John Russell and Mr. Bright. A Mr. Duignan, a banker, wanted rather more explicit explanations, and he asked—

> "What about John Bright?—Mr. Foster: I believe it will be found that John Bright and Lord John Russell will sail in the same boat.—Mr. Duignan: Who would have brought on this measure of Reform but for John Bright?—Mr. Foster: I can assure my friend Mr. Duignan that I should be the last person to deprive John Bright of the credit to which he is entitled. [A voice: 'Three cheers for him, then.' The appeal was not responded to.] But if my friend will only wait till next week he will see that there is perfect agreement between John Bright and Lord John Russell. I may say that John Bright fully concurs in the confidence which Reformers entertain in Lord John Russell. [A voice: 'Let John Bright form a Ministry.'—*Laughter* and confusion.]"

The hon. Member for Walsall (Mr. Forster), was well known in that House as having played an important task last year, when he was selected to fulfil, in respect to a portion of the Liberal party, the delicate duty so long performed by the right hon. Member for Wells (Sir William Hayter). He presumed that the hon. Member for Walsall was fully in the confidence of his leaders, and his statement was, no doubt, based on good authority. Probably the hon. Member for Birmingham was too pure a statesman to have anything to do with so degraded a machinery as that of "whips;" but still the hon. Gentleman (Mr. Forster) must have had his information from high authority. Perhaps he would enlighten the House upon this remarkable conversion, but hon. Members opposite—pointing to those above the gangway—would do well to reflect upon this ominous alliance. Directly the sacrifice was consummated a test would be applied. If the noble Lord's Amendment was carried, he and his party no doubt would occupy the benches opposite, and then the House would see how far the hon. Member for Walsall was justified in his idea of the perfect unanimity existing between the noble Lord and the hon. Member for Birmingham; but it was quite clear either that Mr. Forster must be wrong, or the hon. Gentlemen who sat opposite would be the first to overthrow the Ministry they were endeavouring so laboriously to form. It was evident that both parties to the alliance opposite were trying which could get the best of the other—whether the moderate Liberals would climb to power on the shoulders of the Radicals, and then kick them into the gutter, or whether the moderate Liberals would consent to hold office with men whose political principles they opposed. Which would be the case he could not predict; but he might safely predict that out of that alliance would come no political credit to either party, and he thought they would regret it when that dark picture drawn by the right hon. Member for Stroud was realized—when one of those impulses of confusion which occasionally afflicted the Continent should vibrate even to our own shores, and when, amid the various exciting causes that might exist, and which even the best Governments could not always be certain to avoid, they would be forced to consider a Reform measure under very different auspices to those under which they were now able to arrive at a decision.

Mr. WILSON moved the Adjournment of the Debate.

The CHANCELLOR of the EXCHEQUER said, he thought that it would be convenient that the debate should proceed continuously, and therefore he would suggest that it should be adjourned until the next day. Of course he was in the hands of hon. Members who had notices of Motions for that day. He had looked through the paper, and though those notices were of an interesting, yet he did not think that they were of an urgent character. He hoped that hon. Members would accede to the course which he suggested.

Debate *adjourned* till *To-morrow*.

PATENTS FOR INVENTIONS (MUNITIONS OF WAR) BILL.

LEAVE. FIRST READING.

The ATTORNEY GENERAL, in moving for leave to bring in a Bill "to amend the law concerning patents, with respect to inventions for improvements in instruments and munitions of war," said the measure was intended to accomplish a very important object. According to the present law, an invention when patented very soon became public, not only in this country, but, from the very liberal course adopted at the Patent Office, abroad, for communications took place with foreign Governments and foreign societies, and the specifications thus became known throughout the world. Now it was thought that inventions respecting munitions of war, or others of a character which it was for the public interest to conceal, should be vested in the Crown or some of the Officers of the Crown, say the Secretary for War. This, however, could only be effected by means of an Act of Parliament. The Bill would vest such inventions acordingly, and upon a declaration being made to the officers of the Patent Office power would be given to seal up all the papers connected with the invention, which would thus be kept secret as long as was thought advisable. To such a proposal there could, he thought, be no constitutional objection, because in ancient times it was the prerogative of the Crown to secure to itself an exclusive right to all inventions of a military character. The Bill was therefore only in furtherance of the ancient common law.

Leave given.

Bill to amend the Law concerning Patents for Inventions, with respect to Inventions for Improvements in Instruments and Munitions of War, *ordered* to be brought in by Mr. Attorney General, Mr. Solicitor General, and General Peel.

Bill *presented*, and read 1°.

LUNACY REGULATION ACT (1858) AMENDMENT BILL.

LEAVE. FIRST READING.

The SOLICITOR GENERAL asked for leave to introduce a Bill to Amend the Lunacy Regulation Act (1853). The object of the measure he stated to be to secure a more efficacious inspection of those unfortunate persons who were found to be lunatics by inquisition. He might add that he proposed to refer the Bill to the same

Select Committee as that to which two others of a similar nature which had been laid on the table by the right hon. Gentleman lately Home Secretary had been referred.

Leave given.

Bill to amend the Lunacy Regulation Act, 1853, *ordered* to be brought in by Mr. SOLICITOR GENERAL and Mr. SECRETARY SOTHERON ESTCOURT.

Bill *presented,* and read 1°.

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 22, 1859.

MINUTES.] PUBLIC BILLS.—2ª Court of Chancery Accommodation; Consolidated Fund (£1,222,383 8*s.* 9*d.*); Consolidated Fund (£11,000,000); Ecclesiastical Residences (Ireland).
3ª Mutiny; Marine Mutiny.

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD WODEHOUSE: My Lords, in moving the Second Reading of this Bill, which, as your Lordships are aware, is a Bill for rendering lawful marriage with a deceased wife's sister, it will not be requisite for me to trouble the House with any very lengthened observations. The subject has been so frequently, so fully, and so ably discussed, that I feel I could not hope to add the slightest weight to the arguments which have been already adduced upon this important subject. Indeed, my Lords, if it were otherwise, I should certainly not have ventured to propose to your Lordships a change in the existing law upon a subject so delicate and so vitally important as the law of marriage. But, my Lords, I may be asked, in the first place, how is it that after similar measures of this kind have been more than once rejected by your Lordships' House, and when even so lately as last Session of Parliament a measure, identical with this, was rejected by your Lordships' House—why do I now appeal to your Lordships to reconsider this question? I think, my Lords, a very simple answer may be found in the history of the progress of this question in public opinion. I have to ask your Lordships' attention to the facts of what has taken place during the last twenty years. As your Lordships are aware, the movement in favour of legalizing these marriages dates from shortly after the passing of the Act of 1835. That Act had been passed but a few years when the subject was again brought under consideration by Lord Wharncliffe, who pointed out most forcibly the evils which had arisen from the passing of that Act. In 1842, the late Lord Ellesmere proposed a measure for alleviating the evils which had arisen, but he failed in obtaining even the leave of the House to bring in the Bill. A Royal Commission was then appointed to inquire into the subject. The result of the inquiries conducted under that Commission was to prove that a very marked change had taken place in public opinion with reference to these marriages. In a following Session of Parliament, a Bill promoted for the purpose of remedying the evil consequences of the Act of 1835 passed its second reading in the other House of Parliament.

In 1850, a Bill having the same object in view, passed all three readings in the other House by a majority of ten on the third reading. In 1855 the majority for the Bill proposed by Mr. Heywood was only seven on the second reading, but last year the measure rejected by your Lordships' House was passed through the other House in all its stages by a considerable majority, and the Bill which I now hold in my hand has passed through the other House of Parliament by a majority in three successive divisions, namely, a majority of 70 on its introduction, 58 on the second reading, and a majority of 48 on the third reading. I mention these facts, my Lords, because they show the growth of public opinion in favour of authorizing these marriages as evidenced by the increasing majorities by which the Bill has passed in successive Sessions of Parliament through the other House. And under these circumstances, I think that although it may have been desirable that in the first instance time should be given for public opinion to pronounce itself more decidedly, it is now quite consistent with the dignity of your Lordships' House, that you should be now asked to reconsider your opinion. Before I notice some of the objecctions which have been raised to this measure, I wish to point out to your Lordships that the Bill carefully provides against violating scruples of those clergymen who object to celebrating these marriages. The Bill relates only to civil marriages, and it has been carefully provided that there should be no power conferred by it of compelling clergymen to solemnize marriages to which they entertain a conscientious objection. I think, my Lords, that is a very important provision, and calculated to remove many objections which have formerly been urged against the Bill.

Now, my Lords, what are the objections which are entertained and urged against the Bill? I think they may be divided into two classes. One represents the religious view, and the other the social view of the question. I will first touch upon the religious objection by which it was assumed that there is a Divine command against these marriages; it is, however, happily not necessary for me to enter at any very great length into that argument, because the opponents of this Bill rely very much less upon it than they formerly did. When this measure was first brought into Parliament, and when it was first discussed in your Lordships' House, the whole of the opposition to it was rested upon a theological argument. We were told that the Divine command forbad these marriages. Now, I think, my Lords, that the opponents of the Bill have exercised a wise discretion in abandoning their arguments upon the theological ground; because that well-known verse in Leviticus upon which, in the first instance, they founded their argument, has been found upon closer examination to favour the views of those who promote this Bill. I shall not stop to inquire whether the Levitical law be binding upon Christians. Much may be said upon that point, and many opinions and high authorities might, no doubt, be adduced to show that it is not binding. But, admitting for the purpose of argument, that it does bind Christians, then, my Lords, you find in that verse that there are the distinct words "in the lifetime" of the wife, which clearly imply, that during the life of the wife a man may not marry her sister; but that after the death of the wife he may do so. The opponents of the Bill have endeavoured to show that there is an inaccuracy in that interpretation of the verse which is given in our own Bible. If I am called upon to give an authority for the opinion I have expressed that the verse is in favour of the views of those who support this measure, I might refer to an opinion which has been often quoted in this House—I mean the opinion of the Chief Rabbi of the Jews in England. It seems to me, my Lords, that no person is more likely to understand the true interpretation of the Hebrew Scriptures than the chief of the Jewish clergy. These are the words which Dr. Adler used in a letter which he lately addressed to the Secretary of the Marriage Law Reform Association, as regards the leading point in this controversy. "I can only reiterate my former assertions that all sophistry must split, on the clear and unequivocal words, Levit. xviii. 18th, 'in her lifetime.'" But it may be said, that on such a question as that before your Lordships, we should look, not to the Chief Rabbi of the Jews, but to the chief pastors of our own Church. I admit at once, that if from the Archbishops and Bishops of our own Church any clear and unanimous opinion could be gathered, I admit that would be entitled to very great weight with your Lordships. Now, my Lords, what is the opinion of the right rev. Bench? In 1835, the Act which was then passed went through this House, not only with the concurrence but with the co-operation of the right rev. Bench. That Act had for its object to render valid certain marriages. Well, what were the certain marriages which were to be rendered valid? Why, my Lords, they included the very marriages which you are now called upon to legalize. If the right rev. Bench then thought these marriages were forbidden by the law of God, if they thought those marriages were incestuous, then I say that it would be in the highest degree indecorous to suppose that they would have concurred in Lord Lyndhurst's Act. I think I am, therefore, fully warranted in concluding that the right rev. Bench could not at that time have been of opinion that the word of God forbade these marriages. But, my Lords, if that was the opinion of the right rev. Bench then, what is the opinion of the right rev. Bench now? In the first place, there is the most rev. Prelate the Archbishop of Dublin, inferior, as we must all admit, to none in piety and learning, whose opinion is in favour of legalizing these marriages. Then there is another right rev. Prelate the Bishop of London (who, I understand, unfortunately cannot be present to-night), who, before he was elevated to the episcopal dignity, petitioned this House in favour of a similar Bill to this. Then, my Lords, there is the right rev. Prelate, who was formerly the Rector of St. George's, Bloomsbury, who wrote a letter which I shall afterwards quote, expressing a strong opinion in favour of this Bill. There is, besides, a right rev. Prelate, who has voted, it is true, against this Bill, but whose opinion I will, with your Lordships' permission, read to the House. The right rev. Prelate the Bishop of St. David's said in 1851—[The noble Lord read the opinion, which stated that in the Bishop's opinion marriage with a deceased wife's sister was tacitly permitted by the words of the 18th chapter of Leviticus.]

My Lords, there is a still later opinion which has been expressed by a right rev. Prelate, which is so remarkable that I hope I may be permitted to read it. My Lords, it appears that a deputation, including the Mayor of Manchester, the Aldermen and Town Councillors, and many other influential persons connected with that city, waited upon the right rev. Bishop of Manchester to solicit his Lordships' support on the second reading of the Bill now before your Lordships, and the following is said to be a copy of his reply to the observations addressed to him. [The noble Lord read the reply, which was to the effect that although the right rev. Prelate did not feel bound to support the Bill by his vote, yet that he did not conceive that there was any direct scriptural prohibition of these marriages; and his opinion was, that constructive interpretations of ambiguous passages of Scripture were binding only upon those who in their consciences believed in such interpretation.]

So much, then, my Lords, for the opinions of the right rev. Bench. I may, however, add, that when the Bill was before your Lordships' House last year only seven of the right rev. Prelates voted against it. There is another argument which has been urged against the measure, but which seems to me to be utterly untenable. It is said that on the principle that a man and his wife are one flesh, you must infer that all the relations of the wife become also without limitation the relations of the husband. Now, my Lords, just see to what conclusions this principle, if carried out, would lead you. If, for instance, a man marries a woman, and afterwards his brother marries her sister, the latter would on this principle marry his own sister. If a widower should marry the sister of the wife of one of his sons (and which is a case I have known), that would, according to the same reasoning, be equivalent to marrying his own daughter. I think, my Lords, that such an argument proves its own absurdity, and I may fairly call upon the opponents of the Bill to admit that it entirely breaks down.

My Lords, I will come now to the other class of objections. I know that there are several other points which have been urged on the religious ground upon which I have not touched, but I do not wish to weary your Lordships with them. I come now to consider that which constitutes the chief ground of the objections against the Bill. It is said that if these marriages be legalized a great social evil will be caused to all classes of society. In order to be clear, I will divide that part of the argument into two branches. First, I will refer to the relation of the man with his wife's sister during the wife's lifetime; and, secondly, to the relation of the widower to the sister of his deceased wife. Now, it is said that you would by this Bill altogether put an end to or greatly restrict that close intimacy that at present exists between the husband and his wife's sister; but this argument seems to assume that the only barrier which now prevents a husband from entertaining feelings towards his sister-in-law which were culpable and indefensible would be broken down. But surely, my Lords, there is a much stronger barrier than an Act of Parliament, and that is the existence of the wife. It may fairly be assumed that a man of only ordinary morality and decent feeling would scarcely require the barrier of an Act of Parliament to induce him to abstain from entertaining projects during his wife's lifetime of marrying his sister-in-law.

Then, my Lords, we come to the relations between the widower and the sister-in-law after the death of the wife. It is said, and with very great truth, that there is no more natural guardian for the children of the widower than his sister-in-law. Now, my Lords, how are the facts under the existing law? If the sister-in-law has arrived at what is called a certain age, then no doubt she may reside with him and take charge of his children. But if the sister-in-law is young, still more if the widower is young also, I would ask whether any of your Lordships would like your daughter or your sister to reside with a brother-in-law permanently under such circumstances? I am convinced that, except in some very few cases, such a course would be extremely inconvenient and would be likely to lead to great scandal. I have argued the case thus far, as if I were speaking only of one class, as if I were speaking only of the rich. But what, my Lords, is the case with the great masses of society? On this subject I will quote the opinions of others rather than my own —I will quote the opinions of those who have enjoyed special opportunities for knowing the truth on this matter; I will read first the opinion of the Rev. Canon Champneys, the Rector of Whitechapel. [The noble Lord read the opinion.] Then, my Lords, I have the opinion of Mr. Dale, the Rector of St. Pancras. Thirdly, the opinion of Mr. Villiers, formerly Rector of St. George's, Bloomsbury, now Bishop of Carlisle. [The noble Lord read the opinion.] Lastly, my Lords, I beg leave to read the opinion of a clergyman of widely different religious views, but entertaining the same conviction respecting these marriages, I mean the opinion of Dr. Hook, Dean of Chichester. [This opinion was also read.]

Now, my Lords, those are the opinions of these rev. gentlemen, all of them having the administration of the spiritual affairs of large and populous parishes and intimately acquainted with the habits of the poor, and all say that the forbidding of these marriages leads to great immorality and unhappiness among those classes. My Lords, the extent to which these marriages take place is a matter extremely difficult to ascertain, for naturally some of those who have contracted those marriages, knowing them to be illegal, have no desire to make the fact known to others; when the Commissioners made their Report, it was supposed that there were 500 of these marriages taking place in the year. But further investigation has shown the number is probably at least 1,000. But supposing that only 500 of these marriages take place in a year, there is abundant proof that the prohibition of these marriages has not that moral sanction of the people which is indispensable to the efficient and proper working of the law.

Now, my Lords, the practice of other countries is also, I think, a very fair argument in favour of the Bill, since it is the fact that in all the countries of the world with the single exception of the Greek Church in Russia, these marriages are either directly or indirectly permitted. In the Roman Catholic countries, it is well known that these marriages are constantly permitted by dispensation. In the United States they are universally permitted, and on this point I will read to your Lordships an opinion which has been often quoted in your Lordships' House, I mean the opinion of Mr. Justice Storey. He says:—

> "In many, and indeed in most of the American States, a different rule prevails, and marriages between a man and the sister of his former deceased wife are not only deemed in a civil sense lawful, but are deemed in a moral, religious, and Christian sense, lawful and exceedingly praiseworthy."

There was formerly when Mr. Justice Storey wrote, one State where these marriages were prohibited, but I am informed that the law is now repealed. In Germany these marriages are universally allowed. In Switzerland, in the Roman Catholic Cantons by dispensation, and all the Protestant Cantons, with the single exception of the Canton of Vaud, these marriages are permitted. In Russia, although the Greek Church does not permit these marriages, yet they are permitted among the inhabitants of the Protestant countries which are subject to the sway of Russia. So, my Lords, we find that more or less in all the countries of Europe, with the exception of those countries where the law of the Greek Church prevails, you have the fact that these marriages are permitted.

Now, my Lords, there are many more arguments which have been urged on both sides of the question, and if any new objections are brought forward in the course of the debate I shall have an opportunity of replying to them, but as the arguments are perfectly familiar to the House I will not weary your Lordships by now pursuing them further. I think you will admit that, in order to maintain this restriction, it ought to be distinctly proved that an imperative necessity exists for it. I ask the House to consider whether the proof of such a necessity has been or can be given? I have shown you that this measure has been passed through the other House by majorities increasing year by year, that you have had presented to this House petitions from large and influential bodies, the number of signatures amounting altogether to 800,000; that there is even amongst the opponents of this Bill a wide diversity of opinion as to there being a Divine command prohibiting these marriages, and that the weight of authority is against the existence of any such Divine injunction. I have shown you that if amongst the richer classes there is a dislike upon social grounds to a change in the law, that dislike rests upon sentimental rather than on substantial grounds; whereas amongst the poorer classes it cannot be denied that the law causes great immorality and unhappiness. These are the grounds on which I earnestly press this subject on your Lordships' consideration, confidently believing that they afford ample reason why you should at length agree with the other House of Parliament in passing this Bill, of which I have now the honour to move the second reading.

VISCOUNT DUNGANNON said, that in rising to move the Amendment of which he had given notice, that the Bill be read a second time that day six months, he did so from a conviction of the evils that must inevitably arise if it became law—evils of the extent of which he wanted words to express his conviction. The promoters of the Bill urged that the deceased wife's sister was the best qualified to take charge of her children. No doubt, in the first hour of his affliction, the widowed brother-in-law would naturally turn to such a person for solace, and to no party could the charge of his orphan children be better confided. But if they once legalized these marriages there must be an end to those advantages, for the wife's sister could no longer, with any regard to her own reputation, or with any respect for public opinion, enter that brother-in-law's dwelling. And so far an evil, instead of a good, would be the result. But another point urged in favour of the measure was the fact that various persons had contracted these marriages under a conscientious impression that they really ought not to be contrary to law. It appeared to him that when persons of education violated a law they had only themselves to blame for the consequences which that violation brought on their heads; and they had no right to come to Parliament and ask to be relieved from those consequences by an alteration of the law which would injuriously affect the best interests of social life. Such persons, disregarding the solemn warning given in the early part of the marriage service by a reference to the Day of Judgment, when the secrets of all hearts shall be revealed, that they should then declare any objections which existed to the validity of their marriage, although their silence could not be construed into swearing what was not true, they were guilty, in the eye of their Maker, with wilful and culpable concealment of truth. A third argument often urged in favour of these marriages was that they were daily taking place among the lower classes of society. Now, notwithstanding the strong assertions made on this point, he regarded them as more than questionable. He had in his possession a letter from a clergyman who resided sixteen years at Huddersfield and twelve at a parish in Devonshire, and he stated that having had constant intercourse with large and poor populations, he knew of only a single instance of a marriage of this kind; and that this was contracted by parties in a grade of life above the lower classes, and, as he believed, in entire ignorance of any law prohibiting such a connection. As to a fourth argument, that these marriages were legal in certain foreign countries, and that no harm arose to the interests of Society thereby, he begged to remind their Lordships that they were legislating for Englishmen and Englishwomen, and that a foreign practice was not a reason for the introduction among us of an obnoxious and dangerous measure. In fact, foreigners knew little of what was meant by a happy English home. Whatever, then, might be the practice in foreign countries ought not to be taken as a guide for what might be desirable in this. He contended that if the marriages in question were legalized in this country, mistrust, jealousy, and suspicion would arise where hitherto confidence and relative affection had been maintained; the young wife and young mother would see her domestic peace endangered, and her happiness in the married state would be embittered by the mistrust with which she would be taught to look upon her who had been the companion of her infancy and youth. Were there any benefits which would, if the Bill were carried out, balance evils of that character? It was urged that if a widower wished to marry his deceased wife's sister the law should not stand in the way of his carrying out that wish. For whom, he asked, were their Lordships now invited to legislate? For the interests of the few or of the many? Were they justified in sanctioning a measure the result of which would be extremely doubtful, to use the mildest term, and so break down the barriers which had for centuries protected the best interests of society? Again, were they not to pay some deference to the feelings of the other sex in this matter? He asserted, without fear of contradiction, that among the higher and educated classes of females in England, and those of the most repectable of the middle classes, not one woman in fifty—and he was taking a low figure—was in favour of this measure. If this was not the fact he asked the noble Lord who had moved the second reading of the Bill to refute the assertion. The fact of the opposition of the women of England to the measure was shown by the numerous petitions against it from females not only in London, but in the rural districts. It had been put forward in their Lordships' House as an argument in favour of the Bill, that it had again and again been passed by the House of Commons by considerable majorities. So far from that being a reason why their Lordships should yield, he regarded it as a circumstance that should make them more cautious in giving their assent to the measure. What made that assembly stand in so high a position in the eyes of all reflecting persons—what made it have so high a value in the estimation of all parties, male and female, was the power their Lordships had to step in and stay the tide of innovation when any doubtful course had been taken calculated to disturb the working of the constitution or mar the happiness of the domestic circle. As to the unhappiness suffered by those who had placed themselves in a position to need legislation of this kind, that was an unhappiness brought on by themselves. What was the grievance which their Lordships were called on to redress by this Bill? He must confess—it might appear presumptuous in him to make the assertion — that though he had frequently heard the question argued he had never been able to discover any reasons in favour of the Bill that reached even the standard of plausibility. As to individual inconveniences arising from the present law, he must repeat that these inconveniences had been brought on by the parties themselves, who had violated a law which every right-minded person ought to hold sacred. On such a principle any one might inveigh against any law which visited any species of crime with penal consequences. There was, then, the Scriptural part of the subject. He should not enter at any length into that branch, because he felt that it was more properly within the province of the right rev. Prelates, who would, no doubt, take a part in this as they had in all former debates upon this question. He had listened to a good deal of discussion on similar Bills, and had heard all the arguments usually urged in favour of marriage with a deceased wife's sister; and he had yet to learn that there was a single text in Holy Writ permitting or sanctioning a marriage of this description. If he were wrong he trusted he should be corrected by some Member of the right rev. Bench; but it seemed to him a most extraordinary argument to say that because such marriages were not prohibited they were indirectly sanctioned. If his views were the result of ignorance or of prejudice, he had the satisfaction of thinking that he was on this subject in company with some of the most distinguished Members of their Lordships' House. He trusted their Lordships would on that, as they had on so many former occasions of a similar kind, adopt the advice of the most rev. Prelate, the Metropolitan, whose long experience as a Christian minister would enable them to form a right judgment. His active energies for so many years as a parish priest entitled that most rev. Prelate to all respect, and placed him in the exalted position which he now occupied, and to which he was so great an honour. There would also, he ventured to think, be found in opposition to the Bill the right rev. Prelate who presided over the diocese of Oxford, and who three years ago led the opposition to it in a speech which had left, in his mind, an impression never to be erased. It might truly be said of that right rev. Prelate, *Nihil tetigit quod non ornavit.* In spite of the sneer with which that compliment had been received by the noble Lord who moved the second reading of the Bill, he (Viscount Dungannon) hoped they would that evening have the pleasure and benefit of hearing the right rev. Prelate—

Lord WODEHOUSE: I assure your Lordships I made no observation of a sneering character in allusion to the right rev. Prelate. The noble Lord is quite mistaken.

Viscount DUNGANNON: The noble Lord laughed when I paid what I considered a well-merited compliment to the right rev. Prelate.

Lord WODEHOUSE was understood to say that he did not laugh at the right rev. Prelate.

Viscount DUNGANNON could assure the noble Lord that if the laugh were not directed against the right rev. Prelate he was quite content to take it to himself. He would beg to be allowed to remind their Lordships of a passage in the charge recently delivered by the Archdeacon of Buckingham:—

> "For 1,500 years from the Christian era these marriages were considered forbidden by the Church of Christ. They are still forbidden by the law of

England; and if they should now be egalized, there will exist one law on the subject in the Church, and another in the State."

He agreed in the opinion pronounced by many eminent members of the episcopal body, as well as by other distinguished clergymen, that this Bill would in innumerable cases destroy domestic harmony, while it would tend to sever the union between Church and State—a union which, from the bottom of his heart, he prayed to God he might never live to see severed. Many were waiting in anxious suspense for their Lordships' decision that evening. He said with suspense, but at the same time with perfect confidence, that their Lordships would prove themselves to be still what they had been hitherto—the guardians and protectors of those barriers which the wisdom, the sound principles, and the piety of their forefathers had raised for the protection of public morality and the preservation of the happiness and well-being of the people of this country in the most important of their social relations. With the fullest confidence that their Lordships would on this occasion say *Nolumus leges Angliæ mutari*, he begged to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now" and insert "this day six months."

THE EARL OF ALBEMARLE: I am glad to find that the noble Viscount who has just sat down, has spoken in a tone very different from that which the opponents of this measure have been in the habit of adopting on former occasions. He has abstained from indulging in remarks tending to prejudice the minds of the female portion of the community against those who conscientiously take the course that I do; and I sincerely trust that this example of moderation will be followed by the Members of the right rev. Bench. The noble Viscount fears that he has been somewhat too bold in venturing any opinion of his own, on the interpretation of certain passages in Scripture. I think he has not been bold enough; but that as a Protestant Peer of Parliament, he should have exercised his own judgment rather than have pinned his faith upon an antiquated canon, executed at a time when the Christian Church was departing from its pristine purity. I differ from the noble Viscount in the interpretation of that verse in Leviticus, alluded to by the noble Mover of this Bill. The passage requires no aid from a canon. It is so clear, and so distinct, as to leave no doubt on my mind respecting the Divine permission to contract these marriages. I shall vote then for this Bill, because I hold that, whether considered in a religious, moral, or social point of view, these marriages are perfectly unobjectionable. I believe they will be found to perpetuate and increase the happiness of the parties concerned, and to contribute to the welfare of many a motherless child. I shall vote, then, for the Bill; because I consider it calculated to prevent a vast degree of immorality amongst the poor; and because I hold the prohibition of such marriages to be a flagrant violation of the rights of conscience.

These, my Lords, are my opinions; they are not exactly my own words. They form the substance of a petition, signed by a right rev. Prelate, when master of Rugby School. I mean the Bishop of London, who is prevented by a domestic affliction from being present this evening; and I adopt these expressions, in order that no right reverend opponent of the measure may, as on a former occasion, in delivering his own sentiments, profess to be speaking those of the whole Episcopal Bench.

I know not what Members of the right rev. Bench may address your Lordships, but I venture to predict the line of argument that each of them will adopt. If he be a supporter of the Bill, he will tell your Lordships to act in the spirit of the articles of your faith, and to exercise your own judgment in the interpretation of Scripture. If an opponent, his whole line of argument will be, that you must interpret the Scripture by the canons, and not canons by the Scripture. Whatever subsidiary argument may be employed in opposition to the Bill, the real objection to it is of an ecclesiastical or a canonical nature. It is an attempt to lay a burden on the people, not sanctioned by the constitution of this realm—[*an ironical cheer from the* Bishop of EXETER.] The right rev. Prelate cheers. Is he not the right rev. Prelate who first made the assertion that is now endorsed by the noble Viscount; namely, that for 1,500 years, this marriage had been prohibited by the law of the Church. I would ask, what legal authority has such a law for us Protestants? I asked this question of the right rev. Prelate in 1856, but got no answer. I ask again, does he mean the so-called apostolical canons, which equally forbad a widower from marrying a cousin, or a widow, as well as a wife's sister? or does the right rev. Prelate mean the canon which would prevent a man from marrying his sixth or seventh cousin ?

As a proof of the inefficiency of the law as it now stands, I may mention that a friend of mine, Mr. Tollemache (Member for Cheshire), had displeased a constituent, the incumbent of one of the largest parishes in his division, by his former votes in favour of an alteration in the present marriage law. When he the rev. gentleman last saw Mr. Tollemache, he told him that his opinions had undergone a change, for he had lately married a couple, and on coming out of church, observed to his clerk, that the woman was a bold one to marry so unprepossessing a man. The clerk, who seemed to be unaware of Lord Lyndhurst's Act, answered :—"She ought to know him by this time, for he married her sister." Here is an illustration of the operation of that law, and is confirmatory of the valuable evidence given by a right rev. Prelate (the Bishop of Carlisle) when rector of the important and populous parish of St. George's Bloomsbury. If, said that right rev. Prelate, the poor know that these marriages are illegal, they dispense with the marriage ceremony. If they do not, they contract the marriages and equally evade the law. Is not this state of the law highly inexpedient ? Here you have a state of relationship artificially created, in order to prevent certain parties from contracting marriages, which in nine cases out of ten have not the effect which is intended, and which imposes great and heavy penalties for doing that which such prohibitions do not, cannot, ought not to prevent. For the reasons I have stated, I shall give my hearty concurrence to the Bill before the House.

THE BISHOP OF EXETER said, that the words he had to address to their Lordships must be few, for he had no longer the power of addressing them that he once possessed : he was conscious of the infirmities of age and must leave it to younger and abler men to fight the battle of religion on this great question. Unless his memory failed him miserably, the noble Lord who introduced this subject to their Lordships' notice had said many things that demanded attention from the Bench of Bishops. He particularly referred to the number of Bishops that had subscribed to the views enunciated by the noble Lord. No man could regret more than he (the Bishop of Exeter) did that the noble Lord should have been able to read so long a list of them ; but six or seven Bishops, able and learned as they were, did not bear a very large proportion to the Bishops since the foundation of the Christian Church. He believed it would be extremely difficult to double that number among all the thousand Bishops that have been Bishops of the Church of Christ, and who have held a contrary doctrine to that advocated by the supporters of this Bill. One of the few Bishops mentioned by the noble Lord as being in favour of these marriages, his right rev. Friend the Bishop of London, who was, he regretted to say, prevented from being present by a domestic calamity; but his right rev. Friend was one of those who, using the privileges of advancing age, would say that he grew wiser as he grew older. The right rev. Prelate had intimated to him that he was not in a state of transition on this subject—that he could no longer accede to the views he was formerly supposed to hold on this subject, and he (the Bishop of Exeter) felt himself justified in saying that if his right rev. Friend were present on this occasion he would vote against the Bill. It had been suggested that they should abstain from discussing the meaning of particular texts of Scripture, and he agreed that no place was more unfitted for a discussion of the theological part of the subject than their Lordships' House of Legislature. But when it was said that there had been a departure on the part of the opponents of the measure from the religious line of opposition that they formerly took, and that now the social ground only remained for argument, he for one said that he had never ceased to hold the opinions he entertained on the subject. He had himself always treated the subject on religious grounds and had seldom said anything on the subject relating to the social question ; but he should be sorry to disavow that his opposition to the Bill was mainly and chiefly of a religious character, and he said so because the Levitical prohibitions that they were now called upon to cast from them in so scornful a manner had been recognized as the law of God from the beginning of the Christian era to this very hour by the Universal Church, not by the English Church merely, but by the Greek and Roman Church. The example of the Protestant countries of Germany had been held up for imitation ; but in all of them the Levitical prohibitions, as the law revealed by divine inspiration, were regarded as the groundwork of the ecclesiastical law. The right rev. Prelate then quoted from the Report of the Commission in 1847, in which Mr. Bach, a German jurisconsultus, gave what was the law of Protestant Germany on the subject, stating that the Levitical law was the revealed law of the Divine dispensation, and the groundwork of the canon law of the Church of Rome, as regarded the Levitical degrees of marriages. But this gentleman's testimony went on to show that in most of the small Protestant States the Sovereign assumed the power of dispensing with the law of God, that these dispensations could be easily obtained for a small sum of money, or that by submitting to a pecuniary fine could themselves be dispensed with. So much for the law of Germany, which they were invited to look up to in framing the law of England on this subject. The absolute power of Popery prevailed there. Every petty Prince of Germany was as much a Pope as the Pope himself, and Popery was the very essence of this system, which consisted in the assumption by men of doing and deciding that that God only could do, and interfering with the Divine law. Did not so-called Protestant Germany do this? for there was not a single State that did not by dispensation promote these marriages contrary to these Levitical prohibitions which every State acknowledged to be a declaration of Divine law; and if anything could be Popery of the grossest and coarsest kind, it was to be found in Protestant Germany. In the United States the Confederation had no general law of marriage; and the subject was treated as a domestic matter which should be left to each State to settle for itself—and settle it for themselves they did, some of them in a very extraordinary manner. This general rule, however, pervaded all the States, that marriage was a civil contract. Was this country prepared to adopt that view? Surely their Lordships were not prepared to say that marriage was a civil contract only? The question was, whether this country would legalize marriages which were incestuous and contrary to the law of God. The Church of which he was a Bishop called them by those names, and he should consider himself unfaithful to the faith which he professed, a traitor to the Church of Christ, and an apostate even, were he to assent to such a Bill as this. He did not wish to cast these names on those who did not see their duty in the way he saw it, and who did not see their duty in the only in which, as it appeared to him, a plain common-sense Englishman ought to see it. They had been told that the canon in reference to this matter was an extremely ancient one; but he rested upon a canon of no extraordinary antiquity, that of 1603, which was adopted in this country when the Reformed Religion was in its purest and most flourishing condition. He should consider himself unfaithful and a traitor to the Church if he did not stand upon that canon. In the office of matrimony the parties were charged, as they should appear before the tribunal of God, to declare if they knew of any impediment why they could not be lawfully joined together; and that no doubt referred to the canons of the Church. He had said that the Church of Rome did not recognize the Levitical prohibitions as of themselves binding; but for 1,500 years that Church as strongly as any other Church had held them binding. They changed for excellent reasons, for otherwise they must have admitted that an infallible Pope had erred. A question was submitted to the divines and canonists of Europe, whether the Levitical prohibitions were according to the law of God; and secondly, whether the Pope had a right to dispense with them. The first question was answered in the affirmative, and the power to dispense with what was the law of God was denied. The Pope, through fear of Charles V., refused to recognize that state of things in reference to the divorce between Catherine and Henry VIII., and at the Council of Trent a canon was introduced which pronounced an anathema against all who did not hold that the Church of Rome had power to dispense with the laws of God and also to add to them. That was the position to which the Church of Rome was reduced. In the very year that the Council of Trent pronounced this decree, the table of degrees of the Church of England was published by Archbishop Parker, with the full assent of the Church—it was the voice of the Reformed Church against Rome—yet that was the table which they were now told it was unworthy of an enlightened country to follow. They must bear in mind that there could be no improvement in these things; and if it was true that these marriages were incestuous and contrary to the law of God, then they were true for ever; and if false, then they must be false for ever. Were their Lordships prepared to say that the Church for 1,500 years had held that which was unsound and fallacious? Were they, in deference to public opinion—which it seemed now must regulate everything, even the laws of God—to declare these marriages good which had been against the law of the Church for 1,500 years? He always thought that it was the duty of the Church to impress the word of God in spite of the world, and that truth would make its way in opposition to the world. If the present law were according to the opinion of the world, he said broadly and plainly that the probability was that it was wrong. He so read the word of God, and by that word, through God's grace, his conduct and language should always be guided. He rested his case upon religious grounds, and especially upon reformed religious grounds. The Church of England granted no dispensation for contracting incestuous marriages. They left that to Rome, to Berlin, and to Geneva. At whatever hazard, that Church would assert the Word of God, and would not be driven from it by anything that might be done by Rome or Geneva. Upon this question he hardly knew which to choose, but he really thought that Rome was to be preferred. He thanked their Lordships for the patience with which they had listened to an old man, and he rejoiced that he had been spared again to lift up his voice against this Bill.

Lord ST. LEONARDS said, the question was, the law of this country having declared that a man should not marry his wife's sister, whether should they now alter that law? This question had been already decided by that House. The question stood quite differently before 1835, for then such marriages were not void but only voidable, and the law was easily evaded. Parliament in 1835 made good all such past marriages effectually, so as to carry inheritance and title with them; but there was a counter provision that every future marriage with a deceased wife's sister should be absolutely null and void. That was a wise and prudent settlement of the question, and was a notice to the whole world of what the law of England would in future be. Was it to be wondered at that the lower orders should contract these marriages when they heard the classes above them declare that they ought to be allowed to contract them. Their Lordships could not walk down to the House without seeing large brass plates upon a door announcing an association for legalizing marriage with a deceased wife's sister. Its advertisements were seen everywhere, and no money was wanting to carry out its objects. The Bill of last year presented some important points of difference from this year. Last year's Bill proposed to make past marriages valid, but did not touch the honours of the peerage or titles to property. But this year's Bill would have consequences the most anomalous and unjust—consequences the most pernicious, both as to the inheritance of property and titles. Last year, too, the Bill extended to the wife's niece; but this Bill left out the wife's niece, and was confined to the wife's sister—because he supposed mankind revolted at the idea of a man marrying his wife's niece. Last year Scotland was omitted from the Bill. Why should it be? Did not Scotchmen want to marry their wife's sisters as much as Englishmen? or were they more pure in mind, or did they wish not to break up the ties of domestic society? He wondered why Scotland had not risen to demand this Bill, if the feeling in its favour was as strong as some noble Lords would have them believe. Last year only Scotland was excluded, but this year Ireland was also excluded. Why should that be? He could see no reason why Ireland should not be dealt with on the same footing as England. On what grounds had the promoters of this specious Bill omitted from it both Scotland and Ireland, constituting with England one Imperial kingdom? The question was settled in 1835, but they were now unsettling it, and in so doing they were leaving out two of the three branches of the United Kingdom. A more ill-considered Bill never was presented to the notice of the Legislature. If such a step were to be taken, let it be done properly. Who could settle the rights of property and peerage in the United Kingdom if they passed this Bill? If the question was to be opened at all, it ought to be opened in a more solemn manner, and dealt with in a more effectual manner. Let them, also, look at the social aspect of the question, and see the friendly and familiar footing upon which the wife's sister now stood in the house of her brother-in-law. The husband called the wife's sister his sister, and she him her brother—tender and confidential words—bespeaking ideas which this Bill would for ever eradicate. The confidence of friendship would be destroyed, and the peace of the domestic circle disturbed, unhappy jealousies, unfortunate suspicions would be created. The noble Lord who introduced this Bill said they ought to look at the relations between the husband and the wife's sister during the lifetime of the wife, and also after the decease of the wife; but the noble Lord handled this subject very tenderly. He did not hold up to their Lordships' view what the consequences would be—must be—when the sister of the wife was in the house of the, perhaps, ailing wife. No prudent man, if this Bill passed, would allow his unmarried daughter to reside in the house of his married daughter lest it might engender jealousy and heartburning between his married daughter and her husband.

The Bishop of ST. ASAPH said, that he believed that very great ignorance and misconception prevailed in the country upon the subject now under discussion. He believed that such marriages as those proposed by the Bill were positively forbidden by the law of God; and were forbidden in the same sense and on the same grounds as polygamy was forbidden. The law of God placed affinity in the same circumstances as consanguinity. As far as absolute declarations were concerned it was to be remarked that marriage with a niece was nowhere declared illegal. By the Mosaic law a wife was placed in the position of a chattel to her husband—the tenth commandment in the Decalogue evidently placed her in that position, and therefore polygamy naturally existed. But our Saviour repealed the Mosaic law and placed the wife upon an equality with the husband. There was no express prohibition against polygamy, *totidem verbis*, and yet no one doubted that we were right to punish such an act. The logical step that they would have to take, if they passed this Bill, and if they were consistent reasoners, was that they must admit polygamy. It might create a smile, but there was no reason why they should not. By the Mosaic law the wife, as he had stated before, was considered a chattel; but our Saviour put her on an equality with the husband, and talked of her divorcing him, and by putting her on equal ground with her husband made polygamy illegal. He opposed the Bill because he considered it to be contrary to God's law, and he considered if we altered our law to-morrow the law of God would be against us still.

Viscount LIFFORD: I think it due to your Lordships and to myself, to state the reasons why on this occasion I shall give a very different vote from that I gave on a former occasion. I shall not have the presumption to attempt to answer either the right rev. Prelate (the Bishop of Exeter) or the noble and learned Lord (Lord St. Leonards), but this I must say, that we who support this Bill, do not think that the marriage of a deceased wife's sister is opposed to the law of God, and that it is as Popish to restrict that which God permits, as to grant dispensation for that which God forbids. When I formerly voted against a similar Bill, it was not because I believed such marriages forbidden in the Bible, for I think they are even permitted by implication in the text of Leviticus 18, *v.* 18: nor do I think that it follows as a matter of absolute necessity, that because a woman may not marry her husband's brother, a man may not marry his wife's sister—nor was I biassed by the social objection, for, as I hope to be able to show your Lordships, much may be said on both sides as to that point. But one argument weighed with me with almost irresistible force, namely, that these marriages are forbidden by the Church, I mean the whole Catholic Church, of which the Church of England is a reformed part. My Lords, this might well make a churchman pause. Even now I am unwilling to give the vote in favour of this Bill which duty obliges me to give, and yet I cannot but remember that the Church in England is peculiarly circumstanced. In our church there are no dispensations. I do not mean dispensations from the laws of God, but dispensations from the laws of man as enunciated by the Church. My Lords, as if to show that no polity composed of human material can be infallible, even though it be of Divine institution, various restraints were imposed by the Church during the dark ages which were largely relaxed by dispensations for money. Your Lordships may not be aware that sponsors, I mean a man and woman who had stood sponsors for the same child, are forbidden to marry by a law of the Church untouched at the Reformation. Cases such as these were largely dealt with by dispensation. They were a source of profit to the priesthood, and therefore I do not consider that in reality the Church is altogether opposed to some of the marriages she apparently forbids. But the right rev. Prelate (the Bishop of Oxford) stated, that these dispensations were first invented by the infamous Pope Alexander VI. Such may be the fact. But he drew also the inference that until the time of that wicked man, the marriages in question were absolutely forbidden. On that my former vote against the Bill turned, but to that I now demur. The Jewish tradition is positive that these marriages have always obtained in the Jewish Church. They existed, then, in the time of our Saviour. Our blessed Lord mentions marriage—annuls Moses' precept, and forbids divorce except for adultery. St. Paul also mentions marriage, and yet in the whole of the new Testament there is not one word against the marriage with a deceased wife's sister; while our Lord mentions without reprehension a case of seven brothers marrying in turn a sister-in-law. I therefore think that these marriages existed in the early church, and that the dispensations were invented for lucre alone. And now as to the social question—did this Bill only concern the upper classes, I should doubt about supporting it. But your Lordships legislate for the many, not for the few. Now, against the case which was put of a rich man with his roomy house, whose wife's sister may perhaps, if this Bill becomes law, refuse to live with him and take care of his children—put the case of the poor man. He, perhaps, is left a widower at an early age with many children; he has only two rooms, perhaps only one; no one in the wide world will tend his children but his wife's sister; this is the common, the usual case. Your Lordships know the world, the weakness of human nature, I will say no more. My Lords, the present law does not cause restraint, but it does promote concubinage, and though these marriages may sometimes spring from the coarser impulses of our nature—yet they in general arise from the holiest, the purest motives, the love of both parties for the children of the deceased wife and sister. I know one case of a friend of my own, a most pious man, who married the sister of his deceased wife, because his wife with her dying breath implored him not to separate her children from her sister. I know of another case in which such parties in humble life married, and their sole reason was the entreaty of their dying wife and sister. I know of another case, in which the dying wife placed her sister's hand in that of her husband and implored them to marry for the sake of her children, whenever this cruel law shall be repealed. These, my Lords, are the feelings of dying wives and mothers, these are the feelings with which you have to do in discussing this Bill. The feelings of the dying wife, the feelings of the bereaved husband, and not the feelings or morbid fancies of jealous and fastidious women.

Lord CRANWORTH said, he retained the same opinion as he had always maintained since he had had the honour of a seat in that House against the change proposed by this Bill. He held that opinion looking at the social view of the question, rather than upon the religious ground; because upon the religious ground there was so much difference of opinion amongst those who were of authority upon the subject that he thought that was an unsafe ground to proceed upon. His noble Friend who had ably proposed the second reading of this Bill treated this question simply with reference to the feelings of the husband, but that was a very minor consideration. The real parties concerned were those who were not represented in the Legislature, and who, by no theory of government that he had ever heard of, could be directly represented—namely, the women of England, the great majority of whom regarded this as a most mischievous measure. It was for the sake of the women of England, and through them for the men also, that he opposed the Bill, believing it would be impossible for a wife to receive her sister under her roof on the same terms of intimacy with her husband as she could now, were the existing law repealed. His noble Friend stated that although these marriages might be injurious in the higher ranks of society, they would produce entirely different results in the lower classes of society. But he (Lord Cranworth) had never been able to satisfy himself that such was the opinion of the lower classes, or of the middle classes, nor did he believe, nor was there any evidence that it was. The late rev. Sir H. Dukinfield had assured him that in the large parish (St. Martin's), of which he was for many years the rector, he had never known an instance in which the poor had suggested that it was a grievance that a man was prevented from marrying the sister of his deceased wife. A very highly valued friend of his, not a clergyman, I mean Vice-Chancellor Wood—who to his eminence as a lawyer united that of being a philanthropist in the best sense of the term, and who penetrated into the dwellings of the poor, stated in one of these discussions in the other House of Parliament that he never knew an instance of a marriage of this kind among the poor. He did not believe it was the general wish of the country that this change of the law should be effected. Several petitions in favour of the Bill had been presented from persons of undoubted respectability; but they were aldermen, merchants, and manufacturers, and not those whom the Bill would most materially affect—namely, the women of England, the vast majority of whom were prevented by a sense of delicacy and modesty from petitioning the House on this subject. The advocates of this Bill did not attempt to include the whole empire within its operation. They included only a half—and why? They knew very well that if they attempted to extend it to Scotland they would run the risk of creating a tumult throughout the length and breadth of that country. Ireland also, for other reasons, they were obliged to exempt from the operation of the Bill. He conjured their Lordships to pause before they introduced a social change which they must know was likely to produce among the class with which they were familiar most serious uneasiness and evil, and which to the classes below them—so below them in point of wealth and station, not in point of virtue or respectability — would, no doubt, be quite as distasteful as to the class with which their Lordships were connected.

THE BISHOP OF CORK:—My Lords, I fully concur with the noble and learned Lord who spoke last (Lord Cranworth) in regretting that the provisions of the present Bill do not extend to Scotland and Ireland; but I need hardly remind you that that defect is not peculiar to the present Bill. It has hitherto, as far as I know, been found impossible to harmonize the marriage laws of all parts of the United Kingdom, and to assimilate the law of England on these matters thoroughly with the law of Scotland and of Ireland.

But, my Lords, I have not now risen for the purpose of discussing the legal criticisms of the two noble and learned Lords who have addressed you to-night upon this subject, but in order to state very briefly my reasons for supporting the Bill now before the House. My position, in doing so, would be more difficult if I did not know that, though a large proportion —perhaps a majority of the right rev. Bench will vote against this Bill, or, at least, not vote for it—yet a considerable proportion is pledged to what, in my mind, involves the duty of altering the existing law—pledged to the opinion, that these marriages are not incestuous and contrary to the Divine law.

My Lords, even if we looked on this matter merely as a matter of expediency, I am convinced that it would be a far more expedient thing to say—these marriages are not contrary to the law of God, and therefore we will not make them null and void by the will of man, than to say these marriages are not incestuous and immoral either by nature or by revelation—they are not contrary to the law of nature or to the Divine command in Scripture—they are not (for even to that extent some of us are committed) inconsistent with the requirements of social policy, and yet we will maintain a highly penal statute, which bastardizes the issue of such marriages, and declares the union of the parents null and void *ab initio*, and stigmatizes that union as unnatural and incestuous. I cannot but regard such a course as that as one that must tend, and not unnaturally tend, to bring not only the legislature, but even the law itself into contempt; to alienate and irritate the minds of men, and to infuse indefinite suspicions of the principles on which this House legislates for the country.

That, my Lords, is my firm conviction on this subject, viewed merely as a matter of expediency. To confess that these marriages are not contrary to the law of God. And let me remind your Lordships that, as a right rev. and venerable Prelate (the Bishop of Exeter) has told you, the present law notoriously and confessedly stands, or pretends to stand, not on the shaking and uncertain ground of social policy, but on the supposed immovable rock of a Divine command—to confess that these marriages are not contrary to, and were not prohibited by, the Divine law; to concede (as some of us have conceded) that they are not contrary to social expediency; and yet, at the same time, to refuse to remove the present prohibition; to confess, in a word, that you are laying heavy burdens and grievous to be borne upon men's shoulders, and yet to say that you will not touch them with one of your fingers; that, I submit, is to take a course which is neither charitable nor wise. These marriages, you say, are not contrary to the Divine law, nor contrary to social utility:

> "Now, therefore, why tempt ye God, to put a yoke upon the neck of the disciples which neither their fathers, nor they, were able to bear."

I have said that I will support the measure proposed on grounds that I believe are supported by the recorded opinions of a considerable proportion of this right rev. Bench; but I will go further, and say, though it may seem arrogant to say it, that even though I stood alone, I should pursue the same course as I am now pursuing.

My Lords, I have no doubt that I and

all the other prelates that may support this Bill will expose ourselves to the censure, perhaps the denunciations, of our brethren upon the Bench, as well as of many of the inferior orders of the clergy: but, my Lords, I have never been accustomed to set much store by public opinion when I thought it unjust; and I do not intend to begin now. On that point, I quite agree with a right rev. Prelate who has addressed this House before me, and say with him, that we should not look to public opinion, but to a far different tribunal, to which we of the spiritualty, and you of the temporalty must alike give an account of our stewardship. We should look to the great Bishop of Souls; to Him whose eyes are as a flame of fire, who trieth the heart and the reins, and out of whose mouth goeth that sharp two-edged sword which shall "smite once and smite no more" through all hypocrites and time-servers.

My Lords, I have said that these marriages are not contrary to the Divine command. The Scriptural argument against them seems to me to break down at every step. In the first place, I have never yet seen it proved that we are bound by the Levitical law of marriage, as such, at all. I have no doubt, my Lords, that this proposition when made by me will be denounced as heresy, and as contrary to the Articles of the Church, since it has been thus denounced when set forth by a most rev. Prelate (the Archbishop of Dublin) a very dear friend of mine, not now in the House. But, my Lords, I know not where the heresy lies. The Articles expressly say that the ceremonial and politic laws of Moses do *not* bind Christians. They add, it is true, that the moral commandments do bind us. But who denies that? The whole question is, how far the Levitical marriage law is really moral. Prove it in any case to be moral, and then, in that case, there is an end of the dispute. But you must prove that by some other medium than by merely showing that it is part of the law of Moses. I trust the Church of Hooker, and Sanderson, and Cudworth, and Butler does not need to be taught that it is not the mere authority of the promulgator, but the nature and matter of the law which distinguishes a moral from a positive precept. If you say, these laws are moral, because the matter of them is marriage, which is of a moral nature, then you must hold every tittle of the Mosaic Law of marriage to be unalterable, including the law of Leviticus, and also that very precept which our Saviour says that Moses gave them "because of the hardness of their hearts."

But, my Lords, even supposing the law of Moses to be binding on us, the question still arises, what is meant by the chapters in Leviticus relied upon by those who oppose this measure. Very eminently learned persons (Sir William Jones among them) have been of opinion that the offences there spoken of were not marriages, or pretended marriages at all, but illicit intercourse *extra matrimonium.* Nor is it any sufficient objection to this view to say that such prohibitions would be superfluous, because all illicit intercourse *extra matrimonium* was unlawful, and therefore it could not be necessary to forbid it, especially in the case of a brother's wife or a half-sister. Nothing is more common than the singling out of crimes of special enormity for special denunciation. Intercourse, for example, with another man's wife, is expressly forbidden elsewhere in the law of Moses, but will it therefore be said that promiscuous intercourse with unmarried women is implicitly permitted? But suppose these chapters to refer to marriage. Still, my Lords, I find no express prohibition of marriage with the sister of a deceased wife, but I do find a law which appears, at least to look the other way. I find a law which says, you are not to marry the sister of your wife, to provoke her to jealousy, while she is yet alive. I know that engines of critical torture have been applied to this passage—that by means of disruption and dislocation—by tearing the words asunder—it has been made to mean—nobody can distinctly say what. But I am convinced that no impartial and competent reader of the original can look at it, in its whole context, without being satisfied that the natural meaning is that given by our authorized version. If that be not the meaning, then I take it that those gentlemen who are interested in procuring a revival of that version may fairly claim the support and co-operation of the right rev. and reverend persons who object to that version in this instance; since, if its rendering of this passage be wrong, it must be a very serious error, a trap, a delusion, and a snare to the conscience of the mere English reader.

I have said that the only passage expressly speaking of a wife's sister is one which speaks of the sister of a living wife, and therefore one that looks rather favourably than otherwise on the legalization of the marriage with a deceased wife's sister. But then it is replied, "Oh yes; that passage is apparently in your favour, but then there is another law forbidding marriage with one's brother's wife, and which, therefore, by parity of reasoning, forbids marriage with a wife's sister also."

But, my Lords, I submit that the imparity of the sexes in all countries and in all ages, but especially in ancient times and oriental regions, is such as to make arguments based upon an assumed parity in many cases utterly insecure. A man, for example, was, by the law of Moses, allowed to have many wives under certain conditions. But was a woman, therefore, permitted to have many husbands?

With respect to this law about marriage with a brother's wife (if it be marriage that is here contemplated)—my idea is (and I think the whole tenor of the Jewish legislation favours that idea) that marriage with a brother's wife was, in ordinary cases, forbidden as involving disrespect to the brother. In general, marriage with a widow was thought (in ancient, and especially Oriental nations) to involve some disrespect to, or at least, disregard of, the deceased husband. The wife was looked on as the property, or as a right rev. prelate (the Bishop of St. Asaph), has said, the chattel of the husband; and to make use of her for another's pleasure, or the propagating of another's family, was regarded as involving a want of consideration for him to whom she had belonged; and therefore was forbidden to those who were bound by natural ties to respect the memory of a deceased brother. But in those cases where that kind of marriage did not imply disrespect, but, on the contrary, respect for the deceased—in those cases where the deceased brother had left no issue, and where therefore the family could not be continued through him, then the surviving brother was not only authorized, but bound to marry the widow, and "raise up seed unto his brother."

And the penalty elsewhere denounced against marriage (except in this peculiar case) with a brother's wife, falls in completely with this view of the subject. That penalty is that the parties contracting it should be "childless." The object which they contemplated should be frustrated. The marriage, when not designed for perpetuating the family of the deceased, was regarded as an attempt on the part of the surviving brother to propagate his own name and family by means of her whom he ought to have considered as sacred to his dead relative; and therefore the menace is held out that he shall not accomplish his design, but that issue shall be denied to such a union.

In favour of this view it may, at least be said, that it harmonizes the whole Mosaic legislation on this subject, and accounts for what, in the common view of the matter, is certainly an apparent inconsistency. I will just add that, though marriage with a deceased brother's widow be allowed to be forbidden in the Law of Moses, under a distinct penalty of failure of issue; yet I know of no authority for saying that such a contract is, by that law, declared null and void, as it now is by ours.

It has been said, my Lords, that we, in this Protestant country, have no such things as dispensations. My Lords, I would to God that this were true. But what was the Marriage Act of 1835? Was not that a wholesale dispensation? making, as it did, all marriages of this kind, up to a certain date, valid, though declaring future ones null and void from the beginning. My Lords, I think that those on whom the mantle of John the Baptist has fallen would have acted more consistently in then coming forward boldly to rebuke what they think vice, constantly to speak the truth, and patiently, if need be, suffer for the truth's sake, than in reserving their penalties and their denunciations for the offences of the humble and the needy.

My Lords, I will only say, in conclusion, that I beseech your Lordships to bear in mind that in proportion as you prohibit things not evil in themselves, you run the risk of lessening the sense of evil in other things that are morally wrong. Multitudes will come to think that those things to which there are strong temptations, and which present a prospect not only of indulgence, but of social happiness and benefit to a family, though contrary to law, may yet be done without violating morality. My Lords, I am not saying that they are right. I do not mean to excuse or to encourage any one in violating the law. I think those who contract such marriages are very much to blame. But, my Lords, remember you, that, in proportion as you increase prohibitions of that which is not morally wrong, except by your prohibition, you increase the power of the great adversary of mankind. His power is not in tempting men to evil as evil. His power consists in using those things which present the prospect of happiness, comfort and enjoyment, as means by which he may lead us into evil. God, in his inscrutably mysterious Providence, has left already a wide sphere of such influences to the Prince of Darkness; do not you make it wider. For, assuredly, in proportion as, by our prohibitions, we multiply the opportunities of temptation, and prevent the innocent enjoyment of any seeming advantage, not evil in itself, in the same proportion we extend and increase the power of the enemy of mankind.

THE BISHOP OF ST. DAVID'S said, he could most honestly and conscientiously declare that the result of an anxious and careful reconsideration of the whole question, under all its aspects, had been to strengthen and deepen the convictions which he had uniformly felt upon this subject. As to the properly religious part of the question, there was no difference between his own view and that of the majority of the right rev. Bench. A consideration of the matter had indeed led him to entertain still stronger doubts than those he had formerly felt as to the right interpretation of the verse in the 18th chapter of Leviticus, which was so strongly relied on as a conclusive argument in favour of the measure brought before their Lordships by this Bill. It was quite impossible for any one conversant with the original to say that there was not as much to be pleaded in favour of the interpretation in the margin as of that in the text, so that as a grammatical question it was impossible to rest any argument upon it. But it was not by the grammatical meaning of a single term that the verse could be fairly interpreted. It must be taken with the context, and he admitted that at first sight the context would suggest the interpretation given in the authorized version; but further examination would show such grave difficulties as, in his opinion, altogether to neutralize the force of the theological argument drawn from that verse. Then, as to the properly religious part of the question, there was a very general unanimity. It was admitted on all hands that a general principle which governed all marriages within certain degrees of consanguinity and affinity was laid down in the clearest and most unequivocal manner. Again, as to the application of this principle, it had never been disputed that there was an express prohibition against marriage with a brother's wife. The only doubt was as to the application of the principle to the other side of the same degree; and even, if for argument's sake, it was admitted that this application was not immediately designed by the lawgiver, what would follow? Nothing more than this: that in the state of society existing in those times there were circumstances which rendered it safe and wise to dispense with the prohibition on the other side of the degree. But it did not follow that the exception was to be perpetual, and that a time would never come when, under a higher and purer system, the principle should take effect, and the temporary dispensation be annulled. That was a supposition by no means inconceivable or incredible in itself. But was it really the fact? The answer was given in the affirmative by the history of the Church of Christ. He was not referring to matters of an ecclesiastical or canonical nature, but to the New Testament—to the express declarations of our Lord and His apostles. The prohibitions in the Jewish religion were so many restrictions on the passions and appetites indulged by the people of the heathen nations around them. But the Jewish dispensation was far from perfect. There was a higher and better dispensation to come; and it was actually the case that the tendency of the Christian religion was not to relax the restrictions before imposed, but, on the contrary, to put additional restrictions upon the liberty that had been before granted. The conclusion, therefore, at which he arrived was that the prohibition of these marriages came within the spirit and clear tendency of the law of Christ. He should not dwell on the social side of the question, as that was the topic which had been chiefly discussed in the course of the debate. He fully agreed with what had been said by noble Lords as to the pernicious character of the immediate consequences of the measure on the state of society. But he felt much greater alarm at the remote consequences likely to ensue from the grounds on which that change was to be made, and the nature of the arguments used in its support. The opinion of the Rev. Canon Champneys had been quoted by the noble Lord. He was a clergyman of the highest character, for whom he entertained the very highest respect. Mr. Canon Champneys said he did not consider the class of marriages in question immoral, because, under certain special circumstances, the prohibition against them had been removed. He was astonished to hear that argument sanctioned by the right rev. Prelate who had just addressed their Lordships. [THE BISHOP OF CORK: I never defended such marriages when the law is against them.] I cannot admit that the only circumstance which makes them immoral is their being contrary to the law of the land. But that was not the question. The argument of Canon Champneys was that there was nothing immoral in these marriages, whether the law prohibited them or not, because in one special case they had been permitted; for he must observe that even in that case they were permitted only, not positively enjoined. So far as there was any truth in the argument it was irrelevant, and so far as it was relevant it was utterly ungrounded. Were not marriages within the prohibited degrees denounced in Scripture as among the abominations of a heathen land, by which that land was defiled; and were they, notwithstanding, to be told that such marriages were not to be regarded as immoral? If all that was meant was that these prohibitions did not belong to an ideal, eternal, immutable law of morality, so that in no conceivable case could they be relaxed, then he would admit the argument. If no such marriages had ever been allowed, it was difficult to understand how the Divine command for the continuance of the species could ever have been carried into effect. But was it to be laid down as a general rule that the law of man had no right to prohibit any kind of marriages which were not expressly prohibited by the law of God? Their Lordships were all aware that there was one part of the law of this country which was considered by some to have no warrant in the Old and New Testament, and to be an infringement of the natural rights of man; and hundreds and thousands of our misguided follow-countrymen yearly left their native shores to enjoy an exemption from this law, and to practise polygamy, and *a fortiori* bigamy, elsewhere. Now, if the argument to which he had just adverted held good, these persons had reason to consider themselves tyrannically used. Two other arguments were frequently adduced in favour of this Bill. One was, the feeling supposed to exist among the poorer classes of the community, with regard to the existing state of the law. With the noble Lord (Lord Cranworth) opposite, he believed that there had been very great exaggeration as to the fact. But it would not be surprising if some degree of dissatisfaction with the law did exist among the poorer classes, when such pains were taken by their superiors to prejudice them against it. But he was excessively surprised at the conclusion drawn by the present Dean of Chichester upon this subject, because the conclusion naturally to be drawn from his premisses would have led him in a totally different direction. Dr. Hook adverted to the habits and habitations of the poor, which he said led many of them to trample upon the restrictions imposed by the law. He (the Bishop of St. David's) contended that their Lordships ought rather to apply their wisdom to reform those habits by removing the disadvantages under which the poorer classes laboured in their habitations than to adapt their laws to that state of degradation, physical and moral, in which so many of them lived. Again, it had been said, that in this part of our social institutions we stood almost alone, and that we ought to assimilate our laws in this respect to those of foreign countries. Before he consented to that, he wished to be satisfied that this peculiarity in our institutions was really a defect and a disadvantage, and was not, what he conceived it to be, a privilege and a blessing. He fonnd a certain scheme of the Divine economy for the moral education of mankind going on from the earliest ages to the present time. The Jewish law imposed restrictions on the licence of heathenism, and the Christian religion imposed additional restrictions upon the indulgence of the lower appetites of our nature. That he considered to be the true progress of humanity. But what was the tendency of the legislation now proposed? He was afraid, there were persons who regarded this as a liberal measure, but to him it appeared a retrograde movement, which would carry them back from Christianity to Judaism, not, however, to stop there, but to go on until it landed us in a state of nature. Their Lordships, by sanctioning such legislation, would be counteracting that beneficent scheme of the Divine economy which was impressed in such broad and bright characters on the history of our race. He hoped on that, and on every future occasion, their Lordships would rise to the dignity of their position and the responsibility of their great trust, and would feel that they were called on to exercise one of the highest functions committed to them by the constitution of the country for the most important of purposes—that was, to raise a solid and effectual barrier against that tide of innovation which threatened to sweep away all that was most precious and most sacred in the institutions of the land.

The Bishop of OXFORD said, as there had been some misrepresentation in reference to this subject out of doors, the result of the silence on the part of the Members of the right rev. Bench, he felt it his duty to state this fact—that he had in the interval since this question was last before their Lordships gone most carefully and conscientiously over the whole grounds of his decision, and that, instead of being weakened, every argument which he had then used against this legislation had been strengthened by that subsequent examination. A statement had been made during the debate by one of his right rev. Brethren which ought not to go forth without the most emphatic contradiction. His right rev. Brother (the Bishop of Cork) had said, that a large proportion of the right rev. Bench had given up the argument that these marriages were prohibited by the law of God, and had come to resist them solely on lower grounds. He asked his right rev. Brother on what grounds he made that statement, seeing that the rest of the right rev. Bench who had addressed their Lordships had contradicted it, and that he could not point to more than two members of that right rev. Bench in support of the assertion? Most undoubtedly the right rev. Bench did rest upon the simple conclusion that they believed, with our Church, that these marriages were contrary to the law of God. Their great argument in this matter was that these marriages were prohibited by the 18th chapter of the book of Leviticus. This chapter contained the principles which governed the law of marriage among the Jews, the great principle being that they were not to marry their own kin. He denied that the prohibition had reference to illicit intercourse. Both the great Jewish sects agreed that this chapter related to the law of marriage and to nothing else. The principle laid down in the first verse was a general principle, and the following verse gave the interpretation. The prohibition was against the man, not against the woman, because the man was regarded as the head of the woman. The next principle was that the prohibition was not repeated, but the Jews were left to draw the inferences from it. Thus, when it was said a son might not marry his mother, the inference was that the converse was prohibited, and by parity of reasoning that a father might not marry his daughter. It was distinctly enacted that a man should not marry his brother's wife, and by a parity of reasoning a widower could not marry his deceased wife's sister. An argument was raised upon a doubtful interpretation of the 18th verse; but the best Hebrew scholars declared that the interpretation of that verse was so difficult, and could be applied in so many ways, that it would be in the highest degree improper to base an alteration of our practice upon it. But it was said that it was not a moral prohibition; that it was only a legal prohibition. How could anything be more marked that it was a moral prohibition than by the words "for these abominations the land was defiled, and the old inhabitants of the land"? If it was not a moral prohibition, how could the old inhabitants of the land of Judea be defiled by not observing a statutory enactment not yet given to the Jewish people? He insisted that it was a moral injunction, and that the Jews were prohibited from contracting these marriages, not because it was expedient for them as a people to abstain from doing so, but because it was wickedness. It was said that the Jews themselves permitted these marriages, and it was true the later Talmudists did so; but they were the people of whom our Saviour spoke when He said, "They have made void the law of God by their traditions." It came then to this—that the law of marriage among the Jews did not rest upon statutory enactment but upon fundamental principles of morality. Then, it had been asked, was the Levitical law binding upon us as Christians. But if the Levitical prohibitions were discarded could any one point to any part of Divine revelation that would guide Christian people in this matter? The marriage of a man with his mother or daughter was not prohibited in any part of the New Testament. The Christian dispensation stood upon the platform of the earlier revelation of God's law—having for its basis the sure Word of God, and of his will—and continued that law, modifying it, perfecting it, enlarging it—but never went below it. And why were these great principles laid down, but that we might exercise those restraints which were enacted for our benefit? They were given in love and to elevate mankind, and in order to give us the blessing of Christianity as it exists in these western lands, in a splendour and purity such as was never known to the patriarchs of the East. Where did all the blessings and beauties of a Christian home come from? Why did we associate in all the glorious freedom of the truthfulness that characterized private life, and which constituted the sweet intercourse of man and woman throughout all Western Christendom, but in consequence of those blessed laws of chastening and restraint, elevating intercourse between man and woman, investing it with a sanctity akin to what the world called chivalry, and which conferred all its holiness and greatness on a Church established on principles of Christian purity. They were told that they could not now reject this Bill because the Bishops, or certain of them, in 1835, consented to forego the law. There had been an entire misrepresentation as to what then took place. Before 1835 these marriages were not void, but only voidable by a certain process in the Ecclesiastical Court to bastardize the children. The case had been argued as though this applied only to the issue of a deceased wife's sister, but in truth it applied to all incestuous marriages. The old law said that these particular marriages should never have been made, and were therefore voidable; and the statute of 1835 enacted that for the future they should be avoid *ab initio*. Was that a consenting to forego the law on the part of some of the right rev. Bench, when the new law said that such marriages should be *ipso facto* void? Under the old law friendly suits could be commenced to bastardize the children of such a marriage; but such suit not being carried on, no other could be commenced whilst that was pending, so that practically, in such a state of things, the children could not be bastardized. To get rid of that, the new law said that, in future, no such suit should be allowed, but it did not declare the marriages good. So high an authority as Sir Herbert Jenner Fust said on the judgment-seat that the new law of 1835, so far from making these marriages legal, it was the fact that the ecclesiastical law could still take cognizance of them, and punish the parties. His right rev. Brother the Bishop of Cork had stated that these marriages were highly immoral; and, if so, on what principle could he consent to the second reading of this Bill to declare all these marriages good? If they acted like that, there was an end to every principle of morality in legislation. They were told that the interests of the poor were involved in this question, but he ventured to say that that was entirely a misrepresentation of the fact. He had sent round to every parish in his diocese to learn the number of cases in which there was suspected concubinage with a wife's sister, or where there had been marriage with a deceased wife's sister, among the poor. The answer throughout the whole diocese was the same—that cases of this kind were almost unknown among the poor. It was only among the middle classes in which could be found a few cases of this sort of marriage. That he might not be misled by what he found in his own diocese as to the state of things in other parts of England, he desired a person, who took great interest in the subject, to make inquiries in the town of Yarmouth. She traced, with the aid of the schoolmistress, the history of 350 females who had attended a great school in that town, and found that for a period of thirty years there had only been four cases in which those females contracted these so-called marriages, and that in these cases there had been criminal connection between the parties during the wife's life. The great sins against the law of purity which at this time infested the lower orders of England were not against this particular prohibition, but against holier ties. It was not by relaxing our law of morality that those sins were to be met. No instance could be found of the tone of a nation's morals having been raised by relaxing a prohibition at the demand of those who wanted greater licence, for that would be contrary to the whole of God's dealings with man. If at the cry of a few interested persons their Lordships broke down this barrier, what would be the result? Heart-rending sorrow would enter into many a pure Christian family where now the wife's sister took the part of the deceased mother of the children without suspicion and with the purest intention of administering the affairs of the household. In a metropolitan district a clergyman of his acquaintance, who had married no less than 4,000 of his poor parishioners, had taken the trouble to ascertain whether any of them desired to contract these marriages, and he had never had one single application of the kind made to him. It was not, therefore, the poor of the land who desired this licence. It must not be forgotten that the great Reformers had always interpreted the law of God as prohibiting these marriages, and none of them were particularly subjugated to Judaizing tendencies. All the great law authorities, too, of that time laid it down that the Levitical code was the code of morals for the people of God, and must be the foundation of the moral code of Christendom. Was it, therefore, safe to allow men for a single moment to tamper in such an instance as this with what, putting it even at the lowest weight, might be God's prohibition, founded, as it must be, upon His love for man, and His desire to promote man's purity? If this licence were once granted, could they stop at this point? Was it possible to open the flood-gates, and then to say, "You shall go no further?" On what principle, if this point were once yielded, were further concessions to be resisted? Why should not a man be allowed to marry his stepmother? If the law of God did not prohibit it, what law did? All these prohibitions rested on the law of God. The law of nature was not a bit stronger against marriages of consanguinity than against marriages of affinity, and if once the law of God were broken through, on what a sea of impurity would the bark of domestic happiness be launched! He besought their Lordships to pause before inflicting this evil on the land—he entreated them never to forget the words of the Great Legislator, "Defile not yourselves with any of these things, for in all these the nations are defiled and the land is defiled. Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations."

The Bishop of CARLISLE: — My Lords, I rise with feelings of great sorrow at finding myself compelled to differ from what I know to be the opinion of most of the right. rev. Prelates below me. I feel there is especial cause for sorrow on my part in the fact that I differ in opinion from one whom for twenty years and more I have been accustomed to look at with filial affection, who has so carefully studied the word of God, whose judgment is so calm, and whose piety is so earnest—I refer to the most rev. Prelate. But he and I have spoken of this matter before now, and I am sure he will at least give me credit for honesty in coming to a conclusion so entirely opposed to his own. I feel that I am compelled to differ with him in the religious view of the subject. My Lords, if it had not been for the speeches of the two right rev. Prelates who have preceded me, I should have been contented to give a silent vote. But I have felt constrained to deliver my opinions simply, lest it should be thought that I cowardly shrank from so doing. I agree, to a great extent, with the argument which was used by my right rev. Brother from the sister Island. I understand the right rev. Prelate who spoke last to charge upon all the opinions which have been quoted to-night the inconsistency of contending that these marriages were moral at one moment, and immoral at the same time—[The Bishop of Oxford interposed]—I am quite willing to be corrected, and I will take the explanation my right rev. Brother gives; but it certainly fell very differently upon my own ear. I would observe then, there has been another misrepresentation made of the opinion of my rev. Friend, Mr. Champneys, a Canon of St. Paul's. I will read the opinion, in order that your Lordships may judge whether it bears the interpetation put upon it. [The right rev. Prelate read the opinion.] What my rev. Friend said was, not that the law of man ought to be superior to the law of God, but that it ought to tally with it. I was anxious to read this opinion for my rev. Friend's sake, in order that the House might hear the plain and simple words which were really used by him; I could not sit here and allow it to go forth, that my rev. Friend, whose talent is so great, whose character is so high, and whose piety is undoubted, had been depreciating, I will not say rejecting, the word of God. My Lords, the vote which I shall give in support of the Bill before your Lordships' House, will, I think, be in accordance with, and not in opposition to the Levitical law. I acknowledge the law to be binding. I hold as strongly as any one a belief in the inspiration of the Scriptures, but in saying that I believe in the inspiration of the Scriptures, I mean that there is not a word too much nor a word too little. But, my Lords, the only argument which has been used to-night, has been necessarily upon constructive evidence. Now, my Lords, I prefer the simple construction of the words to a more difficult construction, and I can see no sound reason why we should resort to an ingenious and a most intricate construction rather than to a simple one, when a simple construction can be easily given to that word. The Holy Scriptures were intended as a plain lesson for plain men, and therefore I think that the plainest construction must be the best. Believing then that every word has its own important meaning, I would remark that the verse in Leviticus, which has been so often alluded to, contains these words, "during her lifetime;" my impression is that these words were qualifying words; that they imply a prohibition to take a wife's sister as a wife during the wife's lifetime to vex her—but that the wife being dead, the prohibition was removed—that the marrying a wife's sister on the death of the wife is thus virtually pronounced to be perfectly lawful.

My Lords, after the very powerful speech which we have heard from the right rev. Prelate below me, in which he intended to show that this was a question on which the working classes did not feel strongly, and in which he doubts whether they are in favour of an alteration of the law; in short, I may say in which he asserts that it scarcely affected them at all, and that in reality the parties who would be most injuriously affected by the proposed change were the women of England, I think it my duty to express how entirely I differ from my right rev. Brother, and to declare the views which I entertain as to the case of the working man. I was myself a working clergyman during a period of nineteen years among working men, and it seems to have been my lot to have been brought into connection with these cases over and over again. In my own parish I could give many instances, but your Lordships will at once admit that I should not be doing right in giving the names of the parties who have contracted these marriages. Some were contracted by persons moving in what may be called the upper middle class. They were well received in the families of those who were in the same walk of life as themselves, and I can from my own observation bear testimony that so far from the families in which these prohibited marriages took place being unhappy, I never saw happier families or families in which the children were better brought up. Then, my Lords, in other cases I have been asked by small shopkeepers, under the same circumstances, to marry them; but I was constrained to refuse compliance with their request, because so long as it was the law of the land that those marriages were prohibited it would have been immoral on my part to break that law. Both the parties and myself, whatever might be our private opinion, were bound to submit to every ordinance of man for the Lord's sake. I have, my Lords, seen cases of this kind also among the extreme poor, and I had no sooner left my parish, in which these instances to which I have referred had occurred, but I again was brought in contact with cases of marriage with a deceased wife's sister. Still, finding it to be against the law, it became my painful duty to urge upon a clergyman in my diocese that he was bound to vacate his living because he had married his deceased wife's sister. I am told, however, my Lords, that the cases which have occurred among the poor are mainly owing to the peculiar circumstances in which they are placed, the wretched habitations in which they dwelt. I am perfectly acquainted with the state of the dwellings of the poor, and in reply to the suggestion that it is the duty of the Legislature to cause an inquiry to be made with the object of improving the state of their dwellings, this will I venture to say—"These things ought ye to do and not leave the other undone."

My Lords, it seems to me, that to say that these marriages are contrary to the law of God is begging the whole question. The arguments which have been brought forward on the interpretation of the Scriptures against this measure, I think are an attempt at adding to the word of God in a manner not warranted either by sound reasoning or right principles of interpretation. My Lords, this is not a case in which I have not read the Scriptures for myself and carefully studied the subject, and weighed the arguments on the one side and the other; I have come to the conclusion that it is impossible that the present state of the law can be justified on Scriptural grounds, and I urge it upon the House that it is highly inexpedient to leave the matter as it now stands, and I confess that I feel it my bounden duty to support an alteration of the law.

THE BISHOP OF CORK: My Lords, in explanation of an observation which I made, and which has been commented on by my right rev. Brother, I beg to say that when I said these marriages were immoral, I did not mean to say that they were incestuous, because I think that no marriage could be made or unmade incestuous by Act of Parliament. But the law can remove barriers created by itself. I see nothing immoral in an act of indemnity.

LORD WODEHOUSE: My Lords, I have listened with deep interest to the arguments which have been induced in the course of the debate. The right rev. Prelate the Bishop of Oxford denied the accuracy of the argument in favour of the Bill before your Lordships, which rested on the ground that these marriages are of frequent occurrence among the poor, because he had caused a searching inquiry to be made throughout the length and breadth of his diocese, and I think the right rev. Prelate said that not a single instance of the kind had been found. My Lords, I am certainly surprised at such an extraordinary result, the case must be most exceptional, and I still confidently maintain that these marriages frequently take place.

Then, my Lords, there was one matter which was referred to at some length, and some strong arguments were brought forward in reference to the Act of 1835. I hold a copy of that Act in my hand. In the first place I may have misunderstood the right rev. Prelate, but I understood him to say that if the argument held good that that Act rendered these marriages valid, then by the same argument we must hold that that Act rendered valid all manner of incest. I understood the right rev. Prelate to say that if we argued in that way then we must say that the Act rendered valid marriages with one's own sister or one's own daughter.

THE BISHOP OF OXFORD: The noble Lord has quite mistaken me; what I said was, that the Ecclesiastical law required that in the case of every incestuous marriage the parties seeking to set it aside must go through the same process before it could be set aside. For instance, if a man had contracted an incestuous marriage with his own sister, he would be obliged to go through the same process in the Ecclesiastical Court as he would in case he had married his deceased wife's sister, before it could be set aside. We are not at liberty to assume that there was any authority conferred by that Act, which was solely to prevent the bastardizing of the children, and which could before only be done by means of a suit instituted within the period of the lives of the parties.

LORD WODEHOUSE: The right rev. Prelate must allow me to say that the Act of 1835 relates to marriages within certain degrees of affinity throughout the whole of the Act, and not to consanguinity, which is specially excepted from its provisions.

I must say, my Lords, that when I heard the language in which some of the arguments from the right rev. Bench was couched, I have felt some degree of indignation when I remembered that the Act of 1835 is well known to have been passed, in order to legalize a particular marriage with a wife's sister, and that it was passed with the sanction of the right rev. Bench. I can never believe that the right rev. Bench would have, under any circumstances, sanctioned marriages which they held to be incestuous. There are, my Lords, two or three other points which I should wish to notice, but fear to trespass on the patience of your Lordships. I have been asked why the Bill of this Session should not be extended to Scotland? In the first place the very natural answer to that question is that the Act of 1835 did not extend to Scotland; secondly, the marriage law of Scotland differs essentially from the marriage law of England on many points. As to Ireland, I can assure the noble and learned Lord who objected to the Bill not extending to that country, that if we go into Committee I shall be most happy to insert an Amendment so as to include Ireland in its operation.

In conclusion, my Lords, I will say that whilst I impute no improper motives to any man, and I am quite ready to concede to those who oppose the Bill, that they are actuated by pure and conscientious motives, I claim for the promoters of the Bill the same conscientiousness, and the same purity of motives, and I entreat your Lordships not to withhold your sanction to a measure so urgently required by the interests of such large classes of the population of the country.

On Question, that ("now") stand part of the Motion.

Their Lordships *divided.* Contents 39; Not-Contents 49: Majority 10.

CONTENTS.

Westmeath, M.

Airlie, E.
Albemarle, E.
Clarendon, E.
Ducie, E.
Granville, E.
Grey, E.
Ripon, E.
Saint Germans, E.
Sommers, E.

Lifford, V.
Torrington, V.

Carlisle, Bp.
Cork, &c., Bp.
Down, &c., Bp.
Ripon, Bp.

Aveland, L.
Belper, L.
Calthorpe, L.
Camoys, L. [*Teller.*]
Dunfermline, L.
Ebury, L.
Gage, L. (*V. Gage.*)
Glenelg, L.
Keane, L.
Kingston, L. (*E. Kingston.*)
Macaulay, L.
Mostyn, L.
Overstone, L.
Saye and Sele, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Strafford, L. (*V. Enfield.*)
Suffield, L.
Truro, L.
Vivian, L.
Wensleydale, L.
Wodehouse, L. [*Teller.*]
Wrottesley, L.

NOT-CONTENTS.

Canterbury, Archbp.

Chelmsford, L. (*L. Chancellor.*)
Somerset, D.
Bath, M.
Salisbury, M.
Amherst, E.
Bandon, E.
Beauchamp, E.

Carnarvon, E.
De La Warr, E.
Derby, E.
Effingham, E.
Hardwicke, E.
Harewood, E.
Portarlington, E.
Romney, E.
Rosslyn, E.
Shaftesbury, E.
Shrewsbury & Talbot, E.
Stradbroke, E.
Dungannon, V. [*Teller.*]
Hardinge, V.
Strathallan, V.
Exeter, Bp.
Hereford, Bp.
Ossory, &c., Bp.
Oxford, Bp.
Salisbury, Bp.
St. Asaph, Bp.
St. David's, Bp.
Bateman, L.
Berners, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Churston, L.
Clifton, L. (*E. Darnley.*)
Colville of Culross, L.
Congleton, L.
Cranworth, L.
De L'Isle and Dudley, L.
Dinevor, L.
Feversham, L.
Rayleigh, L.
Redesdale, L. [*Teller.*]
Saltersford, L. (*E. Courtown.*)
Sondes, L.
Tenterden, L.
Wynford, L.

Resolved in the *negative*; and Bill to be read 2ª on *this day six months.*

House adjourned at a quarter before Eleven o'clock, to Thursday next half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 22, 1859.

MINUTES]. PUBLIC BILLS. — 1° Poor Law and Medical Charities Act (Ireland) Amendment; Weights and Measures Act Amendment; Titles to Land (Scotland).

JERSEY.—ANSWER TO ADDRESS.

COLONEL FORESTER brought up the Queen's Answer to the Address presented for a Commission to inquire into the laws and Customs of Jersey.

Answer to Address [17th March] *reported*, as follows:—

I have received your address, *praying* that a Ropal Commission may be issued for the following purposes, namely:

1. To inquire into and report on the Civil, Municipal, and Ecclesiastical Laws and Customs now in force in Jersey, including the Laws relating to the tenure of land, trusts and uses, and also the rights of the Feudal Lords in the said Island:
2. To inquire into and report on the constitution of the Tribunals by which those Laws, Customs, and rights are administered, and into the practice and forms of procedure used by them respectively:
3. To inquire into and report on al defects in and abuses of the said Laws and Customs in the constitution of the said Tribunal, and in their practice and form of procedure, and to suggest remedies for amending the same:
4. To inquire into the present state of Prisons in Jersey, and the mode of classifying Prisoners:
5. To inquire into and report on the administration of the several public Charities of the said Island:

And, having taken your Address into consideration, I have directed that a Commission shall issue for the several purposes mentioned in the Address.

DESPATCH TO LORD CANNING.

QUESTION.

MR. SALISBURY said, he would beg to ask the Secretary of State for India if the Despatch No. 5, 1858, dated the 9th December, having been submitted to the Indian Council for consideration before its transmission to Lord Canning, had met with the sanction and approval of that body or otherwise?

LORD STANLEY said, in reply, that he had stated on the previous day that the Despatch in question was sent out in the Secret Department; that was to say, it was sent upon the responsibility of the Secretary of State alone. It was communicated to the Council for information; that was to say it was shown to the Members of the Council before it was sent out, but it was not submitted to them for consideration, nor did they express any opinion upon it.

MR. SALISBURY: Did not the Council protest against the Despatch before it was sent out?

LORD STANLEY: No protest was ever made against it.

SIR GEORGE LEWIS said, he wished to ask the Secretary of State for India, if his despatch to the Governor General of India, dated the 9th day of December, 1858 (which has lately been presented to the House) was sent under the 27th section of the Act for the better Government of India (21 & 22 *Vict.* c. 106), by which the power of the Secret Committee is continued. He was not quite certain whether the noble Lord had not already answered this question; but what he wished to know was, whether this despatch, not relating to war or to the Foreign relations of our Indian Empire, had been sent out in conformity with the statute?

LORD STANLEY said the former correspondence having passed in the Secret Department, this Despatch, as he had already stated, had also been sent out in the same Department.

ORDER OF THE MEDJIDIE.

QUESTION.

MR. LAURIE said, he would beg to ask the First Lord of the Admiralty whether there is likely to be a further distribution of the order of the Medjidie to the Naval Officers, and if those whose names have been inadvertently omitted are to be furnished with them.

SIR JOHN PAKINGTON said, he was not aware that it was the intention of the Turkish Government to issue any more medals of the order in question among the Officers of Her Majesty's Navy. The medals previously issued by the Sultan's Government were distributed by the late Board of Admiralty, and he had every reason to believe that, though their number was limited, they had been awarded with fairness, and with as great a regard as was possible to the claims of those entitled to receive them.

POSTAL REGULATIONS.—QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary to the Treasury whether any alteration has been made in the charges or other arrangements of the Inland Book Post; and when the alteration will take place by which an additional penny will be charged for the transit through Egypt of newspapers sent *viâ* Southampton to India or Australia.

SIR STAFFORD NORTHCOTE said, that no alteration whatever had been made in the arrangements of the Inland Book Post, but curious statements had appeared in the newspapers from time to time to that effect. Most certainly, nothing had been done to restrict the circulation. With reference to the second question of the hon. Gentleman he had to state that the only alteration which was in contemplation would take place on the 1st January next: and it would have no effect on newspapers going through France, because the postage was already deemed sufficient; nor would it have any effect on newspapers sent round the Cape. But, as the Pasha of Egypt had come to the determination to charge a rather higher sum for papers sent through his territory, it would be necessary for the Government to make a corresponding increase of postage.

MARRIED PERSONS (SCOTLAND).

LEAVE.

MR. MONCREIFF moved for leave to bring in a Bill to amend the law of Scotland on the relationship of husband and wife. He would only state at present, that the object of the Bill was to assimilate the law of Scotland to the new law of England, with regard to the separate property of wives deserted by their husbands, and to regulate the jurisdiction of the two countries with regard to marriage and divorce.

Leave given.

Bill to amend the Law of Scotland in regard to the relationship of Husband and Wife, *ordered* to be brought in by Mr. MONCREIFF and Mr. DUNLOP.

CHURCH RATES.—COMMITTEE.

Order for Committee read.

SIR JOHN TRELAWNY moved that the House resolve itself into Committee on the Church Rate question.

Motion made and Question proposed—"That Mr. Speaker do now leave the chair."

THE CHANCELLOR OF THE EXCHEQUER reminded the hon. Baronet, that Gentlemen whose Motions had the precedence of his had given way for the discussion on the Reform Bill; and he was sure from the well-known courtesy of the hon. Baronet, that he would not stand between the House and this subject. If he allowed the debate to proceed, he should be happy on some future day, as he had already done, to afford him facilities for proceeding with his Bill.

SIR JOHN TRELAWNY felt himself placed in some little difficulty. The question of Reform was rather of a speculative kind, and men of advanced opinions did not seem to agree very well with respect to it. He was anxious, therefore, that the House should make some progress in this question of church rates, which was a practical subject. He should also like to know what were the opinions of the hon. Member for North Warwickshire (Mr. Newdegate), and the noble Lord the Member for Stamford (Lord R. Cecil), both of whom had Amendments to propose, which perhaps the House might be inclined to adopt. If both sides of the House insisted that he should give way, he would not persevere, on the understanding that the right hon. Gentleman would do his best to get him another day, but he would not give up his position at the request of one side of the House only.

LORD JOHN RUSSELL hoped the hon. Baronet would not persevere with his Motion, on the understanding that the Chancellor of the Exchequer would endeavour to find him another day.

Lord ROBERT CECIL said, the hon. Member for North Warwickshire was not in the House, as he could not imagine that this question would be brought on to-night.

Sir JOHN TRELAWNY then agreed to postpone his Motion.

Motion, by leave, *withdrawn.*

Committee *deferred* till *To-morrow.*

REPRESENTATION OF THE PEOPLE BILL.

SECOND READING—ADJOURNED DEBATE.

SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time; and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words—

> "This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. WILSON said, that in rising to address the House upon that occasion, he owed them some apology for venturing to interfere in a question of a class with which he very seldom meddled. But differing as he did from many of the Friends with whom he usually acted, and the course which the Government pursued yesterday having materially altered his view, and therefore he felt he should not give his vote without expressing to the House the grounds upon which that vote would be given. He could assure the right hon. Member for Stroud (Mr. Horsman) that neither he nor any one else in that House could feel more deeply than he did the responsibility which rested on every Member of the House on that occasion. He had regarded this question for a long time past as one which it was desirable should be settled as speedily as possible; and he could only say he should have been most happy had the Government introduced a measure—which he thought, if they had followed the advice of two of their colleagues, they might have done—which they could have carried through the House and which would have given satisfaction to the country. But the measure they had introduced was one which, in his opinion, was radically bad, and subversive of what he had always understood to be the constitution of the country—a measure radically retrograde, and not progressive—and he for one could not vote for its second reading. He was aware it had been said that something might happen before they approached the second reading of this Bill which might enable them to consent to the second reading, in the hope that the measure might be so improved in Committee as to make it acceptable to the House and the country. He hoped his right hon. Friend the Member for Stroud did not intend to monopolize to himself the sole credit of pursuing a conscientious course in reference to this Bill—because, to judge by the tone of his observations last night, he seemed rather to regard every one who took an opposite course to what he took himself as taking such course through party motives. He (Mr. Wilson) ato nce disclaimed any such motive. On the contrary, nothing would have satisfied his mind more than to find that the Government had produced a Bill which would have enabled the House to go into Committee, and which would have been satisfactory to the House and the country. Since it had become known that the Government intended to deal with this question of Reform, hon. Members had been warned by their constituents, by public opinion, and by the press, to be on their guard against anything like what might be called a pretended reform; and he begged the House to call to mind that it was not because a Government brought in a Bill altering the constitution of the country, that that Bill was necessarily a Reform Bill. On the contrary, he believed that this Bill, so far from being a reform of the Constitution, or an amendment of the Act of 1832, was a step entirely in the opposite direction, and would bring the country into some of the worst conditions in which it stood before that period. There were three classes in the community who took a more particular interest in this Bill. One, a small class, who would not perhaps object to go backward; another and perhaps a very large class, who would be satisfied to remain where they were; and a third, and perhaps the largest and most influential class, because it included all the leading statesmen of the day, who thought we could not remain where we were, but that we ought to go forward. Then, he asked, did this Bill fulfil this latter requirement? That House was committed to some progress in the matter of reform, and he asked did this Bill go forward in that progressive course? What were the objects which public opinion and the leading statesmen of our day had stated as those for which a further Reform Bill was wanted? Those objects were clear, plain, and simple. Amid several minor diversities all were agreed—first, that the franchise should be extended to those classes who, not being judged fit for that privilege in 1832, might now be fairly admitted to it; secondly, that the franchise should be extended to those towns which had grown up since then into important constituencies; and thirdly, to deal with those small constituencies which could be no longer said to represent public opinion, but were rather the private property of individuals. Now in no one respect did the present measure deal with these questions; and now that they had arrived at the second reading, the real question for the House to consider was, could they or could they not read this Bill a second time? If it was a Bill which went in the direction in which he thought the House ought to go, even although he might think it did not go in that direction far enough, he should at once consent to the second reading, and take the chance of amending it in Committee. But what were the principles of this Bill? Its first principle—which he must say was fairly, frankly, almost ostentatiously, announced by the Chancellor of the Exchequer—was a principle which at all events had the merit of novelty, but which, until that night when he introduced his Bill, was never before proposed in this country. That principle was for affirming the uniformity of the franchise in boroughs and counties, that he thought was a sufficient reason to induce any one to vote against the second reading, for it was subversive of the whole of our recognized principles of representation. The principle of maintaining the borough franchise at its present amount was not novel, but it was entirely at variance with the demands of the public; while, instead of offering an extension of the franchise in boroughs, this Bill offered a contraction of it, so far as regarded the right of voters living in boroughs to vote in counties. Where were the supporters of those principles to be found? Not in the House; because every individual who spoke last night, from whatever side, objected to the disfranchisement of the freeholders in towns and to the uniformity of franchise. Did they, then, find any support out of doors? Not in public opinion, so far as that opinion was represented in the press. How, then, could they agree to support the second reading? Were they encouraged in the slightest degree by the Government to hope for any real alteration in these principles? It was true that a week after this proposition was before the House, when it had been well canvassed in the country, and hon. Gentlemen who sat behind the Ministerial Bench had had time to form their opinions and express their views, the Ministers took this matter into serious consideration, and the right hon. Gentleman the Chancellor of the Exchequer, anticipating the action of a Committee on this Bill, thought it his duty to announce that he was ready to make certain alterations in the Bill. If that modification had gone the entire length of an abandonment of that principle of the Bill he should not have been prepared to vote against the Government, but should advocate their going at once into Committee on the Bill. But he found that the proposed change would not go by any means that length. The Government, instead of withdrawing it, proposed to save existing interests by reserving to those borough freeholders for life the franchise which they at present possessed, with an option of exercising it either in the counties or the boroughs. The noble Lord opposite (Lord Stanley) had the previous night said that he was sorry that that provision had not been originally introduced into the Bill, but to his (Mr. Wilson's) mind it did not in any way mend the matter. On the contrary it introduced new objections, for nothing could be more objectionable than to keep the constituencies for the next sixty years (as those freeholders who were at present twenty-one years of age might, many of them, live to the age of eighty) in a fluctuating state between the county and the borough franchise. But the noble Lord said, that that was already a principle recognized in Parliamentary legislation; but he would not tell the House that in 1832 Parliament saved the existing rights of the voters in the disfranchised boroughs. He would ask him, when had Parliament provided for the preservation of such rights in a confused system extending over a long series of years? Did the noble Lord and the Government of which he was a member propose to save the existing rights of the dockyard officers and workmen? He found that, on the contrary, the Bill proposed to disfranchise them not only in reference, to the borough franchise but also in reference to the county franchise, which they might enjoy in virtue of their freeholds, although they had, he would venture to say, exercised it as independently and as fairly as any body of men in the Kingdom. This modification appeared to him of still greater importance, from the fact that it showed that Government had considered the subject, and was determined to take its stand upon a principle that the House would never agree to. If, then, they were to sift the Bill of these two objectionable provisions, what had they? It was true the Bill gave them a £10 occupancy franchise for the counties. But that concession was made in the worst possible shape, for the franchise was attached not to a £10 residence but to a £10 occupancy. It would enable the landowners to cut up their fields into £10 tenements, and would, therefore, virtually place the borough representation in their hands. The Bill also proposed certain new franchises for the boroughs, and to that he did not object, as far as it went. There was the £60 savings' bank clause; but he considered it a gross inconsistency to give a vote to a savings' bank depositor for £60, whereas the fundholder was not to have the same right unless he had £300 invested. Did the Bill, however, stand on that feature he should gladly vote for the second reading of it. But what was the effect of the measure as a whole? They were, as he before observed, to have the £10 voters in counties; but as a set-off to that, they would have 100,000 freeholders disfranchised; and to that number they would have to add all the county freeholders in the new towns which they proposed to enfranchise. To it, too, should be added all those freeholders residing within what were to be the new boundaries of the existing boroughs; and as a further addition, they would have the dockyard officers and workmen, whom it was now proposed to disfranchise; and in course of time, whenever it was proposed to enfranchise any new town, they would take away from the county in which it might be situated the most popular element of its administration. What did the Bill propose in return for all that disfranchisement? It proposed the addition of 200,000 voters according to the statement of the Chancellor of the Exchequer (Mr. Disraeli), or of 103,000 as calculated by Mr. Newmarch. Mr. Newmarch, he thought, had made a mistake, and that his estimate was not sufficiently high, and he would take the increase at the number stated by the Chancellor of the Exchequer. But, even if that estimate were correct, there were to be deducted from the number all the £10 householders in the new boroughs, and within the new bounds of the existing boroughs; and if they added to the 100,000 disfranchised freeholders the amount of these deductions, they would find that there would be as many persons disfranchised in the boroughs as would be enfranchised in the counties. They would, at the same time, deprive the county constituencies of their most popular and independent element, and put in their places a class, above all others, the most dependent and subservient. That was how they proposed to treat the counties. What did the Bill do for the towns? It left the £10 occupancy franchise where it was, but it gave them the small freeholders—men who, however good as county electors, were precisely the class of men who should not have the franchise in boroughs; for though the 40*s.* freeholders formed the most independent portion of the county voters in the towns, he feared they would be open to treating, and would not prove the best materials for a borough constituency. The system, moreover, opened the door for an indefinite multiplication of fagot votes. This was the first time since 1833 that an endeavour was made to reverse the Reform Bill, one of the main objects of which was to put an end to out-voters, for by the system of voting papers a man would be able to manufacture any number of votes he might require; and nothing was better calculated to carry out the designs of those who would put the privilege of the franchise to an unfair use. Under such a system, if they did not bring the voter to the poll they would have to bring the candidate to the voter, and that would be a source of much expense. It had been said by the noble Lord (Lord Stanley) that it was impossible to enfranchise the working classes without swamping all the other electors. It might be so, if the proposal were for universal suffrage: but this was a question of degree rather than a matter of fact, for, as was at present the case, the half of the constituency which contained within it the most responsible members of the community would largely influence the other half. He could scarcely think that the noble Lord was of opinion that the elections were influenced by numbers, and that property did not exercise a larger influence than a numerical majority. The noble Lord mentioned an ingenious scheme for the preservation of especial constituencies, in which the working classes alone would be represented; but the day was passed when it was possible to carry out any such scheme. Such constituencies might have been preserved in 1832, but were now impossible. The introduction of a £5 or £6 franchise, such as had been indicated by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), would operate to give the working classes a decided majority in some particular towns. But this would not be the case in all towns; and the influence of the working classes in particular places would serve to create that diversity of representation which was so essential and important a feature of our constitution—a diversity under which no particular class should be under-repesented nor over-represented. The Bill of the Government, as it appeared to him, was an ingenious scheme for destroying as much as possible class legislation — a scheme which, if carried out to its legitimate end, would make that House the representative of one or two classes; and these were consequences which he would never assent to. He would not support the second reading of any Reform Bill which would lead to such a result, unless opportunity were offered of making such Amendments as would remedy these fatal objections.

He now came to the question of small boroughs. The best part of the Bill, in his opinion, was that which dealt with the double seats of existing small boroughs, and giving one of them to certain large constituencies; but the extent to which this was carried was not satisfactory to his mind. He was not an enemy to small boroughs; he believed they had peculiar and most important functions to perform in our representative system. What was required was, that every class should be represented in that House; and the existence of small boroughs greatly contributed to the attainment of that object. But he wished to make a clear distinction between small boroughs and nomination boroughs. He believed that small independent boroughs were productive of a great amount of public advantage; but he had the greatest objections to small boroughs in which elections were carried by the will of a single individual. He could not help thinking that the right hon. Gentleman the Chancellor of the Exchequer had been peculiarly unhappy in the illustrations he had selected as a proof of the value of maintaining small and independent boroughs. The right hon. Gentleman had told them that Arundel sent to that House the only English Roman Catholic Member, who might be regarded as the representative of nearly 1,000,000 of his co-religionists in this country. But he (Mr. Wilson) recollected the time when a most estimable and respected Member of that House—the present Duke of Norfolk, we believe—had been compelled to resign his seat for Arundel because he had been opposed, upon a certain religious question, to the nobleman who had the disposal of the representation of that borough. The right hon. Gentleman had also referred to the case of Calne. Now, he (Mr. Wilson) believed that the House and the public were satisfied with the mode in which the noble Lord who was supposed to influence the electors in that borough had used his power; but he also felt persuaded that the hon. and gallant General (Sir William Williams), who at present represented that borough, could have been returned at the time of his election by the largest constituency in England. Nevertheless, it was not satisfactory that the small boroughs should be under the dictation of a single person, without any guarantee for the manner in which that influence would be used. He did not desire to see the great bulk of the small and middle-sized boroughs disfranchised. He did not believe in the principle of representation of numbers—he was an advocate of the representation of classes. He believed that the two great classes—the landed and the mercantile—were well represented in that House; for, whether he looked to the great agricultural or to the great commercial interests, they were fully and ably represented by the counties and large towns and boroughs. But, besides these two great and marked classes, there was another large and influential class, belonging to neither of those great classes, but equal in the aggregate to them both, that required to be represented, and the small boroughs served that purpose. At least one-third of the people of this country belonged to neither of those two great classes, and he believed that if the smaller boroughs were disfranchised this important class would be wholly excluded from any share in the national representation. It must be remembered that they had the interests not of this country, but of this great empire, to look to, with its numerous colonies and dependencies. There was the great empire of India; there were the railway and the mining interests; there were the other numberless interests, distinct from the great mercantile and agricultural interests, which must be represented; and that could only be done through the medium of these small or moderate-sized boroughs. He was, however, an eager advocate for making them free avenues to that House for public men, and not for the mere nominees of particular individuals. He should be glad to see the system introduced into England which had been adopted in Scotland and Wales, of grouping together two or three small boroughs, so as to neutralize local interest while it secured the proper representation of the people; but the uniformity of suffrage which the Government Bill proposed to introduce between small boroughs and the counties was utterly inconsistent with true principles of reform. If they had uniformity of suffrage it would be impossible to maintain the small boroughs separate and distinct from the counties by which they were surrounded. He wished to ask himself what was the whole tendency of the Bill? It was to give influence to land, to give influence to property, to take away influence from trade and commerce, and from all the progressive pursuits of the country. With that feeling of the tendency of the Bill, as it at present stood, it was impossible fer him to support the second reading. He objected to the principle of the Bill, and he objected to its details. He therefore asked himself this question, how was he to find a solution? It appeared to him that the Resolution of the noble Lord offered a solution. The right hon. Gentleman the Member for Bute (Mr. Stuart Wortley) had also put a Resolution on the paper, and he should be prepared to vote for either of those Resolutions, because it appeared to him that both offered a fair prospect of enabling them to deal with the Bill. He would have been glad if the right hon. Gentleman (the Chancellor of the Exchequer) had been prepared to accept the Resolution of the noble Lord or the right hon. Gentleman. When he came down to the House last night he felt—and his impression was justified by the very admirable advice given yesterday morning by a great public organ—that there was a road open by which the Government might have escaped from their difficulty, and he had hoped that they had intended to have availed themselves of it, and gone on with the Bill. But the noble Lord the Member for King's Lynn (Lord Stanley) said, in so many words, "You must accept the Bill as it is, or reject it altogether." [*Cries of* "No, no."] He would read the words of the noble Lord—

> "True it is we are told that the adoption of the Resolution is not necessarily fatal to the Bill, and that even if the Resolution be carried the Bill may be brought to a second reading."

The noble Lord, therefore, was well aware of the effect of the Resolution upon the Bill. The noble Lord continued—

> "I say, then, I am expressing the feelings of my colleagues and those who support the measure, when I say that the adoption of the Resolution of the noble Lord must necessarily be fatal to the Bill."

Then they were agreed upon that point. ["Hear, hear," and "No, no," from the Ministerial side.] At any rate they were agreed as to the words of the noble Lord. Up to that time he had certainly entertained the sincere hope that the Government would accept the principle of the Resolution of the noble Lord (Lord John Russell) when there would have been no difficulty in going into Committee and moulding the Bill into a good measure; but he considered that the declaration of the noble Lord (Lord Stanley) had now closed the door against any such expectation. The right hon. Gentleman the Member for Stroud (Mr. Horsman) suggested that they might make amendments in the Bill, and he pointed out many ways in which the Bill might be amended. But those who listened to that right hon. Gentleman must have felt that the Bill, as amended by him, would have little of the original left. It would be something like the Highlander's fowling-piece, which he mended by a new stock, a new lock, and a new barrel. He asked his right hon. Friend, when last night he was pointing to the simple mode by which this Bill could be amended in Committee, what guarantee he had that his Amendments would be agreed to? To carry Amendments in Committee was a very different matter to carrying Resolutions on the Motion for a second reading. His right hon. Friend was dissatisfied with the Bill; he would have the first clause entirely abrogated, and others very materially altered; but what guarantee had he that the Amendments carried in Committee would be such as would meet his views. Would not the shorter and surer mode of attaining the end he had in view be that of inducing the House and the Government to accept this Resolution as the basis of future action in Committee? The right hon. Gentleman the Chancellor of the Exchequer had brought down an Amendment which he (Mr. Wilson) conceived represented the matured opinion of the cabinet as to the extent to which they were prepared to give way; but he thought no one who objected to the original Bill was at all better satisfied with it in its new form. Unless, therefore, the Government were prepared to recall all they had stated, and to alter their course altogether, he for one could not vote for the second reading. However he might regret that result, he had no alternative left him, as the question now stood, but to vote for the Resolution. Hon. Gentlemen opposite might think no one but themselves were really anxious to settle this question; but he for one regarded it as one of the gravest the House had ever had to consider, and the present the greatest crisis in which the House had ever found itself. He should be conscientiously pleased if he could see his way to a speedy settlement of the question by the present Government, and, whatever hon. Gentlemen might think to the contrary, he had no desire to take a factious course in this matter. As it now stood there was no course left open to him but to support the Amendment, unless the Government were prepared to retract all they had said upon the subject. He accepted the responsibility held out by his right hon. Friend the Member for Stroud, who had endeavoured to frighten them into accepting the Bill, by enlarging upon the responsibilities which its rejection would involve. He readily accepted the responsibility of refusing a second reading to a Bill which the right hon. Member for Oxfordshire (Mr. Henley) had declared would settle nothing, and might unsettle everything. In the course of the debate the House heard much of the probability of a dissolution if this measure was rejected; but he would not be deterred from doing what he considered to be a public duty by any such threat as that. If the noble Lord at the head of the Government conscientiously believed this Bill was necessary for a settlement of this question, or if he believed that by dissolving he would secure a majority who would vote for uniformity of franchise and the disfranchisement of the 40*s.* freeholders, and the maintenance of the borough franchise at its present amount, of course he would be justified in resorting to a dissolution. But he would ask the House to hear the opinion of the late Sir Robert Peel as to what were the circumstances which entitled the Ministers in a serious political crisis to ask for a dissolution. In 1846 that right hon. Gentleman addressed a memorandum to his own Cabinet in which he said that a weak Government, unable to carry its own measures, or unable, through the want of constant attention and cordial support, to conduct the indispensable business of the House of Commons, or in constant fear of being in a minority from the combination of parties, was a great evil. It had a tendency to lose, not to gain, strength, and to add discredit to its party. A Conservative Government, he said, ought to have the entire support of a Conservative party, and should not be dependent upon sections of parties; support obtained from the disunion and confusion of its enemies was hollow and unreliable; and that no Minister ought to advise the Sovereign to dissolve Parliament without feeling a moral conviction that the country would respond to his appeal and would enable him to carry on the Government by giving him in Parliament a perfect working majority: those were the opinions of the late Sir Robert Peel upon the expediency or advisability of a dissolution; and if the noble Lord could justly expect the support of the country upon this question he would be quite justified in resorting to a dissolution. It would, however, be the bounden duty of the present or of any other Government this year and at once, after the decision of the country, to use their every influence, their most strenous efforts, to bring this question at the earliest possible time to a satisfactory conclusion.

SIR E. BULWER LYTTON:* The hon. Gentleman who has just sat down (Mr. Wilson) has employed in vain much subtlety of argument and great variety of detail. Despite his undeniable talents, despite his industry in collecting, and his dexterity in combining materials whether for attack or for defence, he has failed to obscure the question so clearly put before the House by the right hon. Member for Stroud (Mr. Horsman). That question is, will you take into consideration—I say into consideration, for this is all that is now asked — a moderate measure of reform, which is offered by a powerful Conservative party with a large concession on their part; or will you rather wait for that other measure which the hon. Gentleman says should be immediately proposed, which should be a satisfactory solution to every problem, but which, unhappily, is not before you, of which there is not a glimpse either in the Amendment or even in the speech of the noble Lord, the Member for London, and for which you must calculate the odds that its provisions will be such as to satisfy those gentlemen who profess what they call Radical principles, and to satisfy also those other gentlemen who have spent the last six-and-twenty years in decoying Radical votes and in abjuring Radical opinions? Of course, if you cannot take the mere principle of a moderate measure from us—if, as you say, the country will not accept it—then the question of Reform passes out of the hands of Lord Derby's Government. But into whose hands will it pass? Noble Lords and hon. Gentlemen who are at this moment so carefully bridging the gangway with a rope of sand [Sir W. Hayter, who was seated in "the gangway," rose up hastily at this allusion, and left the House amid great laughter] may, by the aid of that experienced personage who has so abruptly vanished from his place, patch up the quarrels of years for the division of a night. But grant that they triumph. Grant that the solemn lecture which has just been addressed to Lord Derby by the hon. Gentleman has its effect, and that no appeal is made to the country. Grant that you are in Downing Street to-morrow, will not the quarrels of years be in Downing Street also? But where will be any Reform Bill? As my noble Friend the Secretary for India justly said last night, this Resolution will answer the noble Lord's purpose much as the Irish Appropriation Clause answered a similar purpose in the hands of the same unrivalled destroyer of Governments; and it may then leave the English suffrage much as that famous clause left the Irish Church. And, indeed, it must have struck all who have listened to this debate that, however hon. Gentlemen may agree in disapproval of our Bill, they have shown so little agreement as to any other, that some have even taken pains to imply that there ought to be no Reform Bill at all. The hon. Member for Sandwich (Mr. Knatchbull-Hugessen) said last night that rather than take our measure he would wait—he did not say how long. The hon. Member for Birmingham (Mr. Bright), who is always the frankest of men, was somewhat more explicit. He said, a few weeks ago, that in order to have a good Bill, he would consent to wait five years. Well, then, why not move an Amendment which would get us all out of the dilemma, and which, I am sure, is at the bottom of the hearts of half the Reformers opposite? Why not propose as an Amendment to this Bill that a good Bill should be read a second time this day five years? For my part, speaking frankly, I have no superstitious dread of any of those questions which are raised by the more ardent Reformers opposite. Some of those questions I espoused myself many years ago. One or two of them I still individually favour, and if on others I have since modified or wholly altered the opinions I then held, I have done so with no uncharitable prejudice against those who believe now what I myself once believed, or may even believe a little more than my political creed ever permitted me to do. But from me, at least, advanced Reformers are entitled to respect, and I know that in arguing the case with them I argue it not with the mob leaders of fifty years ago. I argue it with gentlemen of refined education, and some of whom have proved the independence of their character by the loss of their seats, rather than yield to what they held to be the mistaken judgment of their constituents. I will be fair to them. I ask them, in return, to be fair to me. We will enter on the question not as enemies but as reasoners. Now, when a Government undertakes a Reform Bill it is impossible to discard the question—what party does that Government represent? Conservatives are free as other men to undertake financial or administrative reforms; and there may be points, both in the management of business and even of policy, in which there is more sympathy between Conservatives and advanced Liberals than there is between advanced Liberals and Whigs. But when it comes to great organic changes your own good sense and your instinct of party honour must tell you that a Conservative Government could not give the same kind of Reform as a Government which represents your views and is supported by your constituents. An hon. Gentleman who spoke last night said, with great anger, that this Bill was a compromise. Of course it is. We could only deal with this question as men offering a compromise, in which we tender concessions on our side and ask concessions upon yours. What you lose in amount of Reform you gain in the expedition and ease with which some Reform at least may be effected. This is not all; a violent party battle upon Parliamentary reform, to be fought throughout the length and breadth of the kingdom, is in itself a great calamity. I remember what it was before. Life-long friendships are dissolved, families are divided. In each town or county, in each section of the community, society is embittered for years; trade and credit are seriously injured. The metropolis was said to have suffered in its trade to the amount of £2,000,000 by the agitation of the great Reform Bill. All those evils, according to your views, may be counterbalanced by some large triumph for popular Government such as you would propose. All those evils are counterbalanced by the Amendment of the noble Lord. All those evils are prevented, and some advantage even to your views is obtained, if, by passing the second reading of this Bill, you will meet the spirit in which a Conservative party offers to you the grounds for a compromise. The right hon. Gentleman the Member for Stroud, in the course of his weighty and impressive speech, put our position on grounds I at once accept. He said a Government, in dealing with Parliamentary Reform, has these two questions to determine:—first, what will the temper of public opinion enable us to carry —what does public opinion require? Second, what is the amount of acknowledged evil—what is there for a Government (and I must here add a Conservative Government), to admit and to remedy? Sir, I think few will deny that when we undertook the question of Parliamentary Reform pulic opinion was extremely apathetic. Doubtless, nine out of ten said loudly, "We must have a Reform Bill;" but eight out of every nine whispered to each other, "Does any body want one?" Is there a reason why public opinion should have changed on this subject since last year? Look to the state of Europe. During the latter date of our deliberations on reform, war seemed inevitable. True, it is peace to-day; can any man say there will not be war to-morrow? Is this the precise moment suddenly to transfer political power from the middle class, with which, on the whole, it now rests, and by which, on the whole, it has been liberally and usefully exercised, to the wider area of a class, however honest and respectable, still not yet educated up to the mark which England should require in a constituency, that is, to enable her to confront foreign Powers, not with the force of numbers, but with the majesty of disciplined intellect? Mr. Fox once uttered words to this purpose—"What gives England her power in Europe? It can never be numbers; it must be always intellect." Can England represent intellect in Europe if numbers are to make the law of representation in the House of Commons? And now, Sir, when I hear the Government accused of a want of earnestness and sincerity in dealing with this question, I must venture to ask if no insincerity, no want of earnestness, has been shown by many eminent persons opposite? When it was supposed out of doors that we intended to propose a sweeping and comprehensive measure, many of those eminent persons actually became anti-Reformers. Articles appeared in Whig journals that might have been written by Mr. Croker. Speeches were addressed to their constituents by Whig Members that might have been uttered by Lord Liverpool. I appeal to our own social experience. Were not Gentlemen on this side besieged with confidential whispers by Gentlemen on the other side, "I hope your Reform Bill will be a very moderate measure; in fact, it cannot be too moderate for public opinion." And now, Sir, because this measure is brought forward by a Government they oppose, those same eminent persons, not contented with censuring its details, declare that it falls far short of their expectations; when if it had gone but a few feet further, if it had but touched the corner of that bench which the noble Lord the Member for London now adorns as a reluctant visitor, they would have said that it left Church and State behind it. Sir, that is very naturally the voice of party. I do not think it is the voice of public opinion, and if public opinion had a glass window to its bosom we should there see among the better educated classes, on the whole, a preference to our Bill, with all its shortcomings, rather than to any Bill founded upon the principles which have been set forth in the only public meetings in which our Bill has been denounced. Principles against which I say nothing. If you want to know what is to be said against triennial Parliaments and vote by ballot, I refer you to the speeches of the noble Lords the Members for Tiverton and London. Well then, in answer to the first question, what was the temper of public opinion? And when we undertook this Bill what did it require? I say the temper of public opinion was listless. I say that it either required a measure quite as moderate as we propose, or, if you tell us that public opinion has been lately represented in local public meetings, then I say it requires something which is not to be found in the Amendment of the noble Lord. It requires something which no Whig Government could propose, and no conceivable Government at this time could hope to carry. I turn to the second question, put by the right hon. Gentleman the Member for Stroud,—what was the amount of acknowledged evil? What was there that asked a remedy? Why, Sir, it could not be very large, for the right hon. Baronet the Member for Radnorshire (Sir George Lewis) with all his scholastic acuteness, did not, in addressing his constituents, appear to discover any evil at all. The evil could not be one very popularly felt, for the hon. Gentleman the Member for Birmingham, with all his masculine eloquence, failed to get up an agitation commensurate to his talents and proportioned to his zeal. Still, there were these defects, which candid men upon all sides were disposed to admit. First: some large constituencies were unrepresented. Secondly: some large classes did not possess the franchise. We addressed ourselves at once to these. As to the first, we found that the really large towns unrepresented were extremely few. To all those with populations approaching 20,000, we have given members; if we have omitted some that should be represented, prove the case, and it is a fair question of Committee; but reject the Bill on account of that Amendment, and you leave the towns we enfranchise still unrepresented. Secondly: there were large classes that did not possess the franchise. Now, should we really best obtain the remedy by the principle of the noble Lord's Amendment, the lowering of the borough household franchise? No; for we should then equally exclude some of the intelligent and independent persons who live in lodgings, and have no house at all. We believe we have adopted a fair rental at 8*s.* a week. Is the rental too high? prove the case—it is a fair question of Committee; but reject the Bill—on account of that Amendment, and you leave those intelligent persons unrepresented. We desired to extend the principle of representation by admitting personal property of all kinds. We wished to bring that qualification down to a scale that might include the artisan if he has given proofs of thrift and foresight by investment in a savings' bank. Have we made the amount of that investment too high? prove the case—it is a fair question of Committee; but reject the Bill—on account of that Amendment, and you reject the principle that was honestly meant to include the superior artisan. We found it loudly complained, especially by hon. Gentlemen opposite, that in counties there were many respectable persons living in towns and villages not represented, and excluded from a vote as residents in the county; these we resolved to enfranchise. We took the £10 occupier, and we gave him a vote for the county. We did so with large concession on our side—why, I am not ashamed to say, because our object, if possible, was conciliation. Do you object to the nature of that proposal as between lands and tenements? prove your case—it is a fair question of Committee; but reject the Bill—on account of that barren Amendment, and I ask you whether this £10 occupier is to be enfranchised by the mere Resolution of this House, or whether he is to wait for that other Bill, which the right hon. Gentleman the Member for Coventry (Mr. Ellice) tells you a Liberal Government could not carry against the consent of the Conservatives, and which the right hon. Gentleman the Member for Stroud tells you it is more than doubtful whether you could carry at all. I decline to accept the noble Lord's invitation, in the earlier part of his Amendment; I decline to allow the whole scheme of this measure to be judged piecemeal, by a clause which you can alone thoroughly discuss in Committee. Take but one single instance of the unfairness into which we are led, if we are once distracted from all that belongs to the broad outline of the Bill on such a subject, into the investigation of details which can only be sifted at a later stage. The Member for Devonport who preceded me, is an authority in facts and figures. He is a master of detail—yet even he seeks to prejudice you against the second reading of the Bill by an inaccuracy he would not, I am sure, have incurred, had we been in Committee on the clause; for he said that our mode of dealing with the borough freeholds would create a fluctuating constituency between town and country for the next sixty years. But only allow the Bill to go into Committee, and I think we shall be able to show that there will be no such floating constituency, as a voter must select between the two at the first registration. Again, the noble Lord says, "By withdrawing the borough freeholders from the counties, we withdraw the commercial element those freeholders represent." But he forgot to state that we give to the counties more than double the votes by occupiers of the votes withdrawn by the freeholders; and if these occupiers should be for the most part the inhabitants of towns, they are more likely to be in trade than even the freeholders; and thus the commercial element is not withdrawn, but probably it is doubled—more than doubled, if you add those who will obtain either the lodger franchise or that derived from personal property. Thus, I say, you cannot judge the whole Bill by a single clause. You must compare one part with another. And to analyse the clause you object to would require a debate to itself. Meanwhile, I am contented to leave that part of the general measure to the able defence of my noble Friend the Secretary of State for India. I go further, and say that, granting all the force you like to the noble Lord's objections, those objections apply to details you can consider in Committee; and unless you say it is nothing to enfranchise the large towns now unrepresented—nothing to improve the registration—nothing to enfranchise new classes—nothing to admit the £10-occupier to a vote in counties, you ought not to reject the second reading of the Bill on account of a clause you have a later and a fuller opportunity to discuss. I pass on to the latter part of the noble Lord's Amendment, which involves a more important question—I mean the lowering of the borough franchise. The difference between us is, that he would suddenly lower the borough franchise, and we would extend the general franchise of the nation: while in admitting the principle of lodger franchise, of investments in a savings' bank, of education as it advances becoming a qualification in itself; we not only extend the suffrage, but we open vistas for gradual reduction, according to the views to which some of the most thoughtful Reformers have inclined more than they have done to the coarse substitute of a £6 or a £5 for a £10 house qualification. Surely, education and independence ought to be the characteristics of a liberal suffrage; surely, you gain those much more through the educated persons who hire lodgings than you do through the persons who are struggling with poverty in a £5 house. Take no very uncommon example—a retired servant, or a broken tradesman, hires a house and lets lodgings; in those lodgings may live an artist, a banker's clerk, a man of letters, a superior artisan. The one retired servant or the broken tradesman alone has a vote; the four educated men who lodge with him have none. Will you tell me that their four votes would not be of more value to the constituency in the right choice of a Member than the votes of four £5 householders if you added them to the constituency instead? Now, Sir, so far as regards the mere interest of the Conservative party in this House, I have always said, and I still think, that the lowering of the borough franchise would be no disadvantage to us, and might indirectly be of advantage. No disadvantage, because I take it for granted that the disposition of all the larger towns will be to return candidates of the opposite party. Whether those candidates are returned by a £10 or a £5 constituency, could therefore in no way affect the balance of party in this House. Indirectly it might be an advantage to us that Gentlemen opposite should be chosen by a £5 constituency rather than a £10. And why? Because a party does not depend on its numbers alone; it depends on the dignity, the independence, the education, and, on the whole, the moderate good sense of its representatives. I believe you gain all those qualities better under a £10 constituency than under a £5. I believe the worst enemy an upright Reformer can have is not a Conservative gentleman; it is a demagogic adventurer. Once adopt a very low suffrage in your towns, and are you sure that in the present state of popular education the upright Reformer would not be often displaced by the demagogic adventurer? That would be your loss; indirectly it would be our gain. Our gain, because you would no longer be the same formidable candidates for power. Violent politicians may make a troublesome and unscrupulous Opposition, but they could never unite to form the Queen's Government. If we wanted to destroy the moral power of your party, we would give you the lowest suffrage you like to ask; because, lower the franchise beneath £10 in counties, lower it to £5, and you would bring our own village labourers into the franchise, and thus place numbers under the influence of property. That would be our gain. But in towns it is different. Lower the franchise in towns, and the lower you go the more you place numbers under the control of ignorance and passion. That would be your loss. But, far from wishing to destroy your party, I consider it essential to freedom that the Liberal party in this House should be always strong; and if I ask you to pause before you lower too much the borough franchise, it is because I am convinced you cannot be always strong if you create a constituency that does not secure to Liberal Members the same high standard of integrity and culture. But do not let gentlemen who represent the smaller boroughs credulously believe that you can by any political logic lower the franchise in boroughs without also destroying the smaller boroughs; the two principles must go together. For why lower the franchise in boroughs except to take population more into account, and except to enfranchise a larger number of the superior part of the working class? You cannot, therefore, by your principle preserve the smaller towns to the exclusion of the larger; you cannot pass over the artizans of larger towns, where intelligence is most diffused, in order to enfranchise the artisans of smaller boroughs, with a less rate of wages, and probably a less degree of education. Therefore, you cannot separate the two. To lower the borough franchise is to annihilate the smaller boroughs. Are there any Members for such boroughs so guileless and lamblike as to be caught by the noble Lord's ensnaring Amendment and seductive tongue! Yes, Sir, there is one, the Member for Sandwich—

"Pleased to the last he crops his flowery food,
"And licks the hand just raised to shed his blood."

But when those smaller boroughs are destroyed, what then? To what constituencies will they be transferred? Do not think we did not carefully examine that subject. We might have given what is called a more comprehensive, and might have been a more popular measure. We might have swept away 80, 90, 100, 120, boroughs. But, had we done so, it appeared clear to us, as it does to my noble Friend who spoke so well last night (Lord Robert Cecil) that the majority of the seats taken from the boroughs ought to be given to the counties. The noble Lord in his last Reform Bill arrived at the same conclusion. If we had done this, you would have said, "We undertook a Reform Bill in order to serve our party." We did not do this. We would not, in the present state of Europe, provoke that town and county quarrel which renders always so difficult, and at this time so dangerous, the question of any large redistribution of seats. Having resolved that our measure should be moderate, we resolved that, as between party and party, it should be fair. But whenever you open that question of a wide redistribution, then on every ground of justice the counties will ask a larger proportion of seats than they now possess. But grant that you put aside our pretensions; grant you get the kind of Reform Bill you require, and that this House is swayed and this country governed by a large preponderance of great urban populations with a very low franchise. Sir, let us face that question fairly. It is one far more important than the party battle which the noble Lord's Amendment presents to the ardour of some, and forces on the distaste of many who support it. This question, namely, a preponderance of large urban constituencies with a very low franchise, has the deepest interest to us all as well-educated men anxious for the dignity of our councils and the continued power of the House of Commons. Pause for a moment. Reflect. What do you seek? What is your object? The increase of popular freedom? Be it so. Popular freedom is not secured by the machinery that returns representatives; its security is in the power the representative assembly will exercise over that highest class of minds which first guide and then consolidate the public opinion of a civilized state. That power must be intellectual, or it has no duration. That power all reforms must tend to increase, or they are worse than worthless. Fatal mistake, if in augmenting the constituency we lower the character of the assembly that represents it! From one end of Europe to the other freedom is strengthened or enfeebled not by the numbers which bear her into our Councils, but in proportion as, once installed amongst us, we preserve or endanger her attributes to confidence and respect. Well, then, the power and dignity of the House of Commons! That is the object, and all reforms are but as means to maintain it. Sir, first let us see what the House of Commons really is. It is not merely a popular assembly, it is a deliberative assembly. It arrogates inquiry and decides upon all the most complicated questions of policy both at home and abroad. It is this in which it strikingly differs from our free colonies, to which we may accord the most popular suffrage. A colonial legislature is little more than a vestry on a great scale. It does not provide even for its own military defences. It does not touch upon foreign affairs. All those matters belong to the Imperial Government. It is this, too, in which the House of Commons differs from the popular Assembly of America. In that Assembly foreign affairs are seldom discussed, except when they relate to tariffs or the disposition of public money. Foreign affairs belong by right to the Senate, when they escape from the select Committee of the Senate to which they are more habitually consigned. And the Senate itself, in discussing the ratification of treaties and public appointments, becomes an executive body, excludes reporters, and sits with closed doors. Even in in domestic matters the debates in the American popular Assembly never excite the same interest nor carry with them the same weight as the debates in the Senate do. The guiding intellect of America is in her oligarchial Senate, not in her popular Chamber. And why? Because the American House of Representatives is what you would make this House of Commons—so popular in its constituent elements—so brought down to the level of the masses—that even the masses have small respect for its wisdom; and it is to the Senate that the grand republic look for deliberate judgment upon the graver matters which involve its honour and affect its national interests. It is not so as yet in England. The brain and the heart of England are still in the House of Commons. The wisest of our people have still a paramount interest in our debates; the greatest potentates of Europe have still a reverence for our decisions. But once Americanize the House of Commons and you would lose more in the intellectual attributes that create your real power than you could obtain by all the popular vigour you could get through manhood suffrage and electoral districts. One reason for the moderation and dignity which pervade our councils is to be found in this—that we have not as yet, on the whole, lowered our suffrage beyond the fair standard of education which ought to be required from an English voter. I grant that in all the very large towns, even under the present franchise, the suffrage is practically so low that democracy may be said to prevail. But it is the retention of those small boroughs where the franchise, though apparently the same, is really higher, which gives us that calm wisdom and fair intelligence which interposes, as the Member for Devonport has well said, between rival interests—between the agricultural classes on the one hand, and the great urban populations on the other. I do not say that this or any other argument would avail to save those smaller boroughs in proportion as the larger towns grow up in wealth and importance. But, in the meanwhile, you need not be in a hurry to get rid of a machinery which adds to the power of this House by insuring the varied accomplishments of its Members and increasing the number of competitors for the Government of the country. This advantage I do not think is to be counterbalanced merely by transferring the seats taken from smaller boroughs either to counties or to towns already represented, and thus diminishing the number of Members who have nothing but the business of the State to think of. And I do fear, that whenever that transfer be effected, whenever the smaller boroughs wholly vanish out of our system, you will realize the same evil which America has long felt, which our free colonies, such as Canada and Australia, begin to feel already—namely, that when only very popular constituencies exist, Members become rather delegates than representatives; men of large property, of refined education, of independent character, decline to enter into political life, and the popular Assembly ceases to represent, what this House now does, the highest and noblest elements of the general community. Sir, in the curious correspondence between Mirabeau and the Count de la Marcke, in which the Count was engaged in obtaining Mirabeau's aid to save the monarchy, Mirabeau said (I forget his exact words, but they are to this effect): "You have adopted from aristocracy the most dangerous of its elements—namely, the influence of money; you have adopted from democracy the most fatal of its properties—namely, the influence of great towns over rural districts." Mirabeau was right. Of all aristocracies, that of money is at once the most corrupting to popular virtue, and the most timid in defending institutions. Of all democracies, that of great towns is most fickle in the choice of its favourites. Freedom has no surety in popular favourites; they may begin as the demagogue—they may end as the tyrant. Freedom has no enemy so fatal as the favourite, who may push its advancement one inch beyond the boundaries of order. Mirabeau was right. The monarchy went. What went with it? Did not liberty go? Monarchy, in one shape or other, was soon restored; monarchy reigns still. Has liberty been restored as well? What killed liberty? The democracy of large towns, and the terror which that democracy itself had of its own excesses. But democracy in France still exists—a democracy of universal suffrage and vote by ballot. Pardon me if I prefer the freedom of which this

House, with its tempered suffrage, is still the guardian — a freedom safe, because education controls and property does not fear it. Hon. Gentlemen ask, "Are you afraid of the working man?" Certainly not; we country gentlemen, by the nature of our pursuits, by the habits of our lives, are brought of necessity into an intercourse with the village workmen around us, more familiar, more friendly, than can well exist between the employer and the operative in great towns. We are not likely to fear the working man. And for my part, I am proud of the English workman, whether he be the simple village peasant, with his homely virtues, or that more agitated, but, amid all his faults, that noble human being, the skilled mechanic of our manufacturing towns, with his thirst for knowledge and his dreams of some polical Utopia, quite as rational as Plato himself had dreamed before him. But it is one thing to admire the individual, to respect the class he belongs to—one thing to devise modes by which every individual amongst it, who gives proof of intelligence by forethought for the morrow, or who by the investment of earnings, however modest, wins a stake in the preservation of order, shall come welcome and honoured into the franchise—and it is another thing to say that to that class you will entrust all the destinies of England. I would entrust the destinies of England to no single class whatever: but if you admit the working men, as a body, their numbers alone give them a large majority in every constituency, and thus all the education and property of the other classes must be borne down by that class in which education is of necessity the least diffused, and by which all the intricate laws that, if only through political economy, affect the interests of property must be the most imperfectly understood. And here, Sir, I do complain of the dangerous want of candour with which hon. Gentlemen opposite have made their appeal to the working class—the noble Lord the Member for London and the right hon. Baronet the Member for Halifax (Sir Charles Wood) both say that the fault of the Bill is that it does not admit the working class; they dwell on this objection; they inflame the working men with the belief that they shall come into the franchise not by threes and fours, but by hundreds and thousands, and then in the same breath they declare that they have no idea of admitting the numbers whose expectations they so cruelly excite. No, you do not admit the numbers, but you lay down the principle by which they must be either admitted or deceived. You would lower the suffrage on the express principle that it ought to include the working class. Does it do so by the mysterious franchise which the noble Lord would give, but declines to divulge? then the evil is accomplished. Does it not do so? then you have equally conceded the principle that must accomplish the evil; for the workmen excluded by the suffrage you restrict will never rest till they are admitted by the principle you allow. And I venture to predict, when you talk of our releasing the elements of democracy — and upon this subject I have heard some of the most deplorable rubbish that ever was talked by educated men — that whenever the noble Lord and the Member for Halifax bring forward their measure, and the workmen as a class find that they do not pour in their countless multitudes through the door, those gentlemen will keep ajar with a chain across it, there will be among them one cry of angry disappointment. But I may be asked, "Would you never lower the borough franchise at all, or do you mean to say that the working class are to be everlastingly excluded?" To both these questions I answer, "I make no such assertion." With regard to the borough franchise, I can but place before you, in no hostile spirit, the reasons why I think you should pause before you insist on any great reduction; but I do say, it is your duty to tell us to what extent you would go. Show us the numbers below the present £10 constituency which your franchise would give, and then clearly ascertain whether your constituents desire you to swamp them. As to the future admission of the working class, I ask not the noble Lord to give us all the details of the Bill that he would propose; but I do say, that when a statesman so eminent invites the agitation of the working class against the measure proposed by the Queen's Government, he incurs to that working class a very solemn responsibility, and he owes it to them, he owes it to his country, to make clear whether that for which the working class are to agitate is or is not that which he is prepared to concede. For myself, I cannot but think that at heart I go farther than the noble Lord; I go farther than most of the great republican writers, ancient and modern: I go in theory as far as Mr. John Mill, and I would not object to the widest possible suffrage, if you can effect a contrivance by which intelligence shall still prevail over numbers. If that be impossible, then, I say, at least, the first step towards anything that approaches to universal suffrage should be something that approaches to universal education. But this I repeat, that when you invite the agitation of the working class against this measure, you should not only tell us what you refuse from us, you should make it distinct and unequivocal what you would give, and then let the country decide between the two. Sir, Lord Plunket, in one of his great forensic speeches, said—"Time is represented with the hour-glass as well as the scythe." True, with the scythe he mows down—by the aid of the hour-glass he metes the duration of that which he intends to destroy—let me add to Lord Plunket's grand image—by the aid of the hour-glass Time also must reckon the moment for that which he designs to construct. You would borrow from Time the scythe; have you consulted his hour-glass? You would mow down this Government and this Reform Bill. Granted. Look at the hour-glass! What Government and what Reform Bill will you reconstruct? So far as this Government is concerned, I will not defend at this moment its alleged faults—I will not at this moment ask if it has had no merits; nor will I, even now, when Gentlemen opposite are arrayed against it, ungratefully forget the patriotic countenance it has received amidst its earlier but not its greater difficulties. All I would say is, our intentions in this Bill, amidst the general state of England and of Europe, are not such as to merit the censure of any high-minded Liberal. I grant the Bill is not one which Gentlemen below the gangway would give if it were their task to make one; but, so far as the Government is concerned, I ask those very Gentlemen, as men of honour, if Lord Derby's Government had passed a Bill according to your models, though you would have accepted the Bill, would you not have despised its authors? Should we not have been traitors to those we represent? We should have come into your camp, not as now, with a fair flag of truce and overtures of mutual compromise, but with standards trailed in the dust, and offering up the keys of every fortress which the loyalty of our partizans had confided to our charge. No! If a Reform Bill, such as you desire, must be carried, it is for you to propose it; it is not for us. But, before you raise the scythe to mow us down, look again at the hour-glass! What is to be the next Government? Can it last if the Member for Birmingham and the noble Viscount, if the Member for Sheffield and the Member for London, do not sit on the same Treasury bench? Can it last if they do? In either case the sands in the hour-glass will be violently shaken. So much for this Government. One moment more to this Bill. It is said not to be final. No Reform Bill can be. The fault you allege is its merit. It is its merit if it meets some of the requirements of the day present, and does not give to-day what you may regret tomorrow that you cannot restore. Democracy is like the grave; it perpetually cries "Give, give," and like the grave, it never returns what it has once taken. But you live under a constitutional monarchy, which has all the vigour of health, all the energy of movement. Do not surrender to democracy, that which is not yet ripe for the grave. Gentlemen employ much sarcastic cavil in the dispute as to what is the main principle of this Bill. I say, as Lord Macaulay said, in the debate on the old Reform Bill, I care little for technical definitions on that score. I would not base the defence of this or of any Reform Bill upon an abstract dogma on which special pleaders may differ. I would take that which was our main object for the backbone and life-spring of the Bill. That main object, so admirably stated by my noble Friend the Secretary for India, was, irrespectively of party interests, to confirm and extend to the middle class the political power which, during the last twenty-seven years they have exercised, so as to render liberty progressive and institutions safe; but at the same time, to widen the franchise the middle-class now enjoys, so that it may include all belonging to the class who are now without a vote; and, instead of bringing the middle class franchise down to the level of the workmen, lift into that franchise, the artisan who may have risen above the daily necessities of the manual labourer by the exercise of economy and forethought. The Bill, therefore, I own it, is emphatically a Bill for the middle class. The cause is theirs; it is not the cause of the aristocrat; it is not the cause of the Conservative country Gentleman, who, of all parties concerned, now tenders the largest concession. The cause is that of the middle class, down to the verge at which the influence of that class would melt away amidst the necessities of manual labour and the turbulence of concentred numbers. If they of the middle class like to abandon that cause, they abdicate their own power, and with it all which has hitherto made the resources of England unshaken amidst the vicissitudes of commerce and the calamities of war. If they honestly think the time has come when it is safe to accept the counter principle which you advance; namely, that political power should descend to the working class—not knowing, so far as I can judge by the language of popular meetings, where that principle, once adopted, can stop till it reaches manhood suffrage, then I say with the middle class the responsibility must rest. Meanwhile, you in this House will determine whether it is your duty thus abruptly to sign away the influence of that class of which you are still the representatives and trustees—whether you really secure the title-deeds of their commerce, and take solid guarantees for the safety of their old English freedom, by accepting an Amendment which commits you to a pledge to the working class—a pledge which you can never redeem to their satisfaction until you have placed capital and knowledge at the command of impatient poverty and uninstructed numbers.

Mr. BYNG, whose first observations were lost, was understood to express his admiration of the eloquent speech of the right hon. Baronet the Secretary for the Colonies, and the diffidence he felt in rising after him to offer some observations upon the Bill under discussion, and also upon the Amendment of his noble Friend the Member for London. He did so as an independent county Member; and he firmly believed that the Bill of the Government was neither founded upon principles of justice nor of progressive liberality, and therefore it was not likely to meet with much support amongst the majority of the House or in the country at large. In his opinion Her Majesty's Government had missed a golden opportunity of settling a long-vexed question. But if they had adopted—not any fanciful scheme of symmetrical regularity—but somewhat of that policy with regard to the extension of the franchise in counties and boroughs, which was so well shadowed out the other evening by the two right hon. Gentlemen their late colleagues, he believed that the Government would have commanded and obtained not only the votes of their supporters, but of those who sat on the Opposition benches; and he for one would certainly have supported them. He did not think it wise that this question of Parliamentary Reform should be roughly and perpetually banded about from party to party; and he should have been very glad to give his cordial support to any measure calculated to satisfy the country. But the present Bill was deficient in many essential particulars. On looking at the provisions, he was met at the outset with what he considered to be a fatal point, namely, the uniformity of the franchise. If they carried out that theory as applied to the borough and county franchise they must carry it out also as it regarded the places represented, and that would lead to electoral districts and equality of representation. On what principle had such a proposal been made to the House by a Conservative Government? Was the principle of uniformity sanctioned by those who, upon such a question, had the greatest weight in that House? The noble Lord the Member for London last night read the words of the Earl of Derby of five years ago condemning any Reform Bill which should contain such a principle —words so remarkable that he could add nothing to them. For himself, he admired the manly decision to which the two right hon. Gentlemen, recently Members of the Government, had come. He found in the Bill another new principle which he was unable to understand. That principle, if carried out, would involve the disqualification or disfranchisement of 100,000 of the borough freeholders, and such an extinction of the electoral right would not be either wise or politic. But such a step was either right or wrong. If it were right, why should the hon. Member for Somersetshire (Mr. Miles) and afterwards the Chancellor of the Exchequer, promise the House a great modification of that scheme? If it were wrong—and he believed it to be wrong —why did not the noble Lord last night, the Secretary of State for India, or the right hon. Baronet this evening, the Secretary for the Colonies, tell them plainly that the Government had wholly relinquished that part of the scheme? He believed that last year, in the month of March, the Chancellor of the Exchequer, in reply to an observation from the hon. Member for Dover (Mr. B. Osborne) said that the Reform Bill to be introduced by the Government would not be a Bill destined to prop up any political party, or to uphold the interests of any particular class, but that it would be founded upon principles of general justice, and he hoped it would give universal satisfaction. Now, as to the universal satisfaction, he (Mr. Byng) would pass that by—for if the present Bill had been framed upon principles of general justice, no doubt universal satisfaction would have followed. But when he found that South Staffordshire, South Lancashire, the West Riding, Worcestershire, West Kent, East Sussex, Surrey, and Middlesex, where the Liberal interest preponderated, would be the counties which would suffer the most, he could not but believe that the Bill had been deliberately planned as a counterbalance for the reduced franchise, and to give a "sop" to the country party. To the other qualifications, as the £60 in savings' banks and that respecting lodgers, he should offer no objection ; but it would be a question in Committee whether the former qualification should not be reduced to a lower amount. But the Bill proposed to give the franchise to other classes of persons who certainly deserved to have it; but in all probability they possessed it already, such as graduates of the Universities, medical men, and certificated schoolmasters. There was another class who might fairly have been included in the Bill, and who had not the franchise at present. Great as were his objections to the disfranchisement of the borough freeholders, his objection to withholding the franchise from the intelligent and wealth-creating artizans of the country was greater. Then as to the dockyard artificers, he believed that class to be distinguished by intelligence and loyalty to an eminent degree; and what did the Government propose to do in their case ? Why, while these men were employed in Her Majesty's dockyards, receiving pay from public works, and showing by their good behaviour that they were entitled to the franchise, they were then to be disqualified; but the moment they left their work and became idlers, then they might resume their electoral rights. So far, then, from enfranchising the working classes, the Bill really disfranchised a large and important element among them. Then the House had been told that the reduction of the county occupation franchise to £10 was a great improvement. He accepted it as such, but it was not the Government, but the hon. Member for Surrey that was to be thanked for that. It should, too, be remembered the House had sanctioned more than once that amendment of the electoral law, but the boon was now offered in such a shape as that there would be no real safeguard against the creation of faggot votes, which might be manufactured to a very alarming extent. Then with regard to the boroughs, the franchise was not lowered, but a non-residential franchise was created, which would materially affect the interests of small boroughs by the introduction of voters having no particular connection with them. With respect to the re-distribution of seats, he thought that one of the greatest difficulties with which any Minister had to contend; but, so far as the Ministerial schedule went, he believed it was a good one, though individually he thought he had some cause to complain of the way in which Middlesex had been treated, for while Croydon, with from 15,000 to 20,000 inhabitants was made a Parliamentary borough, the large districts of Chelsea and Kensington, containing 66,000 and 56,000 inhabitants respectively, were entirely overlooked. If the Bill went into Committee, he trusted he should be able to obtain for these places their fair rights. There were three points in the Bill, namely, that which would provide greater facilities for registration, that for enabling the electors to vote with greater comfort to themselves by the increase of polling places, and that for making payment of travelling expenses illegal, which should have his support, because he believed they would assist in doing away with those large expenses which now had to be borne by candidates. But here, again, he must observe, that the hon. and learned Member for Plymouth had already submitted a proposition with respect to the latter points, for which therefore the Ministers could not claim any credit on the score of originality. If he were told that these were matters of detail, and might be dealt with in Committee, he had then to consider whether he could vote for the second reading of the Bill. He deemed not only the details of the measure bad, but the principle vicious, and he wished, from the bottom of his heart that the second reading had been met with a direct negative. Then the question arose as to whether he could agree to the Amendment moved by the noble Lord the Member for the City of London. He (Mr. Byng) felt he could, because that Amendment affirmed two things—principles in which he agreed; and in which he believed a large proportion of that House agreed—namely, that it was neither wise nor just to interfere with the constitutional rights of county voters, resident within the limits of a Parliamentary borough, and that no Bill which did not contain a larger extension of the suffrage in cities and boroughs would be acceptable either to the House or the country. With regard to the speech of the right hon. Gentleman the Member for Stroud (Mr. Horsman) last night, he (Mr. Byng) remembered reading once that, "To those who think, life is a comedy; but to those who feel, it is a tragedy;" and he believed that most of those who heard that speech would adadmit that it was a caricature of the state of parties in that House, and though some might have laughed at the moment, thinking merely of party jealousies and private intrigues, there were others in the House who could not but have felt, considering how deep and solemn were the obligations of the House on such a question, that there was something of tragedy in those remarks. The right hon. Gentleman told that (the Opposition) side of the House that they were a disunited and disorganized body. Disunited and disorganized they may have been, but they were no longer so when they opposed a Bill faulty in principle and vicious in detail, and desired to affirm the Resolution brought forward and supported by the high authority of so old and consistent a Reformer as the noble Lord the Member for the City of London. The noble Lord the Secretary for India had told the House that the great middle classes of this country had been the source of its greatness; but the noble Lord must surely have borne in mind through whose humble aid they had been enabled to accomplish that greatness. The right hon. Member for Stroud had drawn a gloomy picture of the working classes in a time of commercial distress, clamouring at the doors of that House for concessions. He hoped that picture would not be realized, but the best way to prevent its realization was to affirm the Resolution, which at least told the working classes that the House was not neglectful of their wants, and that those wants should be remedied in a just and temperate spirit. He believed there was a great difference between Americanizing our institutions and giving the working classes a fair share, and no more than a fair share, in their just rights; and he believed, if they affirmed that portion of the Amendment of the noble Lord, they would do more for the benefit of all classes than if they supported a Bill which he believed could never be carried in its present shape, and which, were it to become the law of the land, would be only the signal for that very agitation out of doors towards which the right hon. Member for Stroud drew their attention. For these reasons, he should vote for the Amendment, and fearlessly, but he hoped honestly, were an opportunity offered him, against the second reading of the Bill.

Mr. J. H. PHILIPPS said, that in accordance with the reluctance he had always felt to affirm anything like an abstract Resolution, he should now vote, with a perfect confidence that he was voting rightly, against the Amendment of the noble Lord. The disfranchisement of freeholders in towns was much objected to; he did not think the proposition was the most judicious that could have been made, but the term "disfranchisement" was not appropriate to the case—the more proper term was a "transference." Let him cite his own case. He was himself one of those hundred thousand persons whose champion the noble Lord and the hon. Member for Dorsetshire professed to be, and they might think him very ungrateful when he said that as far as he was concerned he was not obliged for their advocacy. Although the greater part of his property was in Wales, he had a small freehold in the heart of the City of London, and he must say that of all the franchises and rights he possessed there was none upon which he set a lower value than the privilege of voting for the county of Middlesex. Certainly his interests, as far as London was concerned, were much more mixed up with the City than with the county, and if he had any grievance to complain of he would apply to the City Members rather than the representatives for the county; and, besides, he thought that a farmer at Hendon or at Harrow might with justice complain of his vote being neutralized by that of a person coming from the City. Therefore, while he regretted that the Government had meddled with this subject, because it formed an admirable stone for the Opposition to pelt with, still the language used against it was of the most aggravated description, for, let hon. Members opposite say what they would, there was an enormous inequality between the representation of counties and towns. According to some Returns moved for by the hon. Member for Birmingham (Mr. Bright) the rateable property in counties was £60,000,000 while the rateable property in towns was £40,000,000. The population in the counties was 11,000,000, the population in towns 8,000,000; while the representation of the counties in proportion to towns was not one-half. He gave the hon. Member for Birmingham the advantage of stating that the income tax paid in towns was 58,000,000, while that paid in counties was 56,000,000; but putting the income tax and the rateable property together it still appeared that the larger amount of taxation was paid by the counties. He thought, therefore, when a measure was proposed which did not profess to redress the existing inequalities between boroughs and counties, it was not unreasonable for the county electors to say, "If the boroughs have so much larger a proportion of Members than we have, do not interfere with us in the exercise of our franchise, and not let the large towns send in to the counties freehold voters which will completely neutralize the franchise of the rural constituencies." He could not refrain from expressing his regret respecting one or two points in this Bill. In the first place he was of opinion that a Reform Bill ought not to have been brought in by a Conservative Government at all. He had always been of opinion that great measures were most safely carried by their original advocates. That they could with less suspicion of insincerity introduce the proper restrictions and limitations; while its original opponents, even though they might have changed their views, were better employed in watching and, where necessary, in checking the action of its promoters, than in undertaking its conduct themselves; and he lamented that the present Government had thought it right to deal with the question. Since they had taken it up, however, he could not avoid expressing his regret that it had not been thought advisable to connect the representation more with taxation than it was proposed to do. There might be a difficulty in persuading a man who lived in a house of £8 rent that he was less fit to exercise the franchise than his neighbour who lived in a £10 house; but, in his opinion, there was nothing invidious in saying to every one that he must pay a certain tax before he was entitled to vote. He thought the most fitting tax for such a purpose was the house tax, and he was much surprised to find that only £700,000 was raised from that tax, the half of which was paid by London alone. The right hon. Member for Oxfordshire (Mr. Henley) had used, in his good, homely Saxon, an expression which he had no doubt would become classical—that if we drew an arbitrary line of exclusion he feared there would some day be an "ugly rush" across it. Now he (Mr. Philipps) could conceive no better means of preventing that "ugly rush" than to connect privilege with responsibility, and with some degree of sacrifice. If persons saw nothing but the unmixed good of the franchise, it could not be expected that they should deny themselves the advantage, but if they found that the rush was to be not merely into the pleasant pastures of privilege, but into the thorns and briars of taxation as well, depend upon it the "ugly rush" would be converted into a march as deliberate and solemn as if they moved to the strains of the Dead March in Saul. He might quote the opinions of a man who was at the head of the advanced Reformers of his day, Mr. Horne Tooke. He said,

> "Justice and policy require that a share in power, and contributions to power, should be proportionate to each other."

But, instead of this, every day the gap between taxation and representation was becoming wider and wider, and how it was to be reduced he did not know. Reserving to himself then full liberty as to his future conduct, if the Bill should ever pass its second reading, he should vote against the Resolutions of the noble Lord, because they raised an issue which was neither generous nor just to persons who were not disposed to assent to them, and created a precedent that might prove very injurious in future to fair and free Parliamentary discussion.

MR. FORSTER said, he should not have ventured to address the House were it not for the wrong interpretation which the noble Lord the Member for Stamford (Lord R. Cecil) had put upon the speech which he made to his constituents at Walsall. As to the degradation of being a "whip," he should leave to the hon. Member for Wells (Sir William Hayter) and the hon. and gallant Member for the county of Dublin (Captain Taylor) to settle that between them; but he thought that the meaning of what he said was sufficiently clear to escape misrepresentation. He spoke of it being a matter of notoriety that there was a perfect agreement between the noble Lord and the hon. Member for Birmingham as to the manner in which the Government Bill should be met, and he added that they would both be found sailing in the same boat—by which he of course meant voting in the same lobby. When the noble Lord the Member for Stamford so misrepresented him, he forgot to tell the House that the whole assembly held up their hands against the present measure. There was a matter to which, as a borough Member, he wished to draw attention. There was in Walsall, as there was in many other large towns, a freehold land society, through the agency of which small mechanics had been able to raise themselves to the rank of voters. These the Bill at first proposed to sweep off the county registry; and he thought the clause of the Chancellor of the Exchequer would not at all remove the objection which he felt against these men being deprived of a right which they had purchassed for themselves, and fondly hoped they should transmit to their descendants. With regard to the option of voting in either a county or a borough constituency, he saw no justice in that, as it would enable men living miles away from the towns in which they held their freeholds, but which they were unconnected with either by residence or sympathy, to come in and swamp the voice of the residents. Of a piece with that was the proposal that the new borough limits should be settled by the Enclosure Commissioners; and with regard to the voting papers he looked upon them as an attempt to stave off the ballot. The only liberal feature of the measure was the £10 household franchise in counties; but so many were the objections on the face of the Bill that he thought the House would stultify itself by going into Committee on a measure with respect to which they would have to strike out everything and insert everything. With the hon. Gentleman the Member for Middlesex he should have preferred giving his vote on the Motion for the second reading of the Bill, but he should vote for the Resolution, as the Government would accept it as tantamount to a rejection of the Bill.

Mr. BANKS STANHOPE said, the Resolution of the noble Lord placed Members in this curious predicament, that unless they explained their votes they could hardly vote either for or against the Resolution without exposing their opinions to misconstruction. He hoped, therefore, that the House would permit him shortly to express his opinion upon the Bill, and upon the general subject of reform. There were two points in it which especially concerned county Members, the 40*s*. freeholders in towns and the £10 occupiers in counties. He agreed with the hon. Member for Haverfordwest (Mr. Philipps), that far too much had been said on the subject of the disfranchisement of the 40*s*. freeholders. He was glad that existing claims were to be respected: but that being so there was one question he wanted to ask, to which, often as he had put it in private, he never got a satisfactory answer. On what principle was it that a person who lived in a certain place which they chose to call a borough was to be permitted, if he lived in one house, and had a separate property in the same place, to have one vote for the borough and another for the county; while another man, who lived in a place which they chose to call a county, though he lived in a large house and owned besides nearly the whole of the district, was only to be allowed one vote where the other had two? He saw neither justice nor expediency in this. There was another point. A person who occupied a £10 farm might be as fit to exercise the franchise as a person who occupied a £50 one, or he might be as well qualified as a person occupying a £10 house in a town. But this was not a question of the fitness of individuals. They must look to the general principle on which you were going to found the representation of the people. He assumed that on this point they were not to be guided by old party ties, or by the old cry of ins and outs, or by the question of what in each particular county or borough would give the representation to this or to that party. There were two principles on which they might found their representative system. They might, in the first place, establish it on the basis of property and of population combined. That principle had been most eloquently advocated by the hon. Gentleman the Member for Birmingham (Mr. Bright); but he (Mr. B. Stanhope) felt persuaded that if it were enforced it could lead to only one result—namely, that property must eventually give way to mere numbers; and then results would inevitably follow from which the advocates of the principle would shrink with dismay. But there was another principle which might be adopted, and which had, he believed, up to the present time been acted upon in our representative system. He meant that principle which secured a fair representation of the various classes of which, independent of the great agricultural, commercial, and manufacturing interests, the community in which we live was composed. Now there were a number of small boroughs which, although they might seem to be an anomaly in our political system, served as a medium through which members of the various classes to which he referred, but who were not included within either of those great interests which he mentioned, might hope to obtain a seat in that House which they could not otherwise procure. By means of the small boroughs, for instance, a man of talent might be returned to Parliament whose chance with the larger constituencies would be extremely small. Those boroughs, therefore, had their use in providing for the representation of interests which would under other circumstances have no voice in the Legislature. Upon the principle then of providing for the adequate representation of the several classes in the country our legislators had hitherto proceeded, and he would ask hon. Members in what position we should be if we were to depart from that principle, and adopt that which was advocated by some hon. Gentlemen opposite and their supporters? He would say but a few words upon the merits of the Bill itself. He believed that it contained some very valuable provisions; and he approved in particular of the clauses which would give what were called the "fancy franchises," and which would ensure votes at the elections of Members of that House to those persons who had shown by their prudence and their self-denial in making deposits in savings' banks that they were qualified to exercise such a privilege, and of that which gave the educational test under which men of respectability and worth who, because they did not happen to possess a certain amount of property, were excluded from the franchise would be admitted to its exercise. That could not be regarded otherwise, he thought, than as a good provision, which would enable the parochial schoolmasters throughout England to enjoy the privilege of a vote; these were men who occupied a very important provision and whom it was desirable to surround with every mark of public respect. But he had to confess with much pain that he could not approve of that proposed assimilation of the county and the borough franchises, which seemed to form the main feature in the measure; and that provision was, in his opinion, open to so many objections that he should find it impossible to support the second reading of the Bill. At the same time, he would be no party to any proceeding for getting rid of the measure by an Amendment of the indirect and equivocal character of that which had been brought forward by the noble Lord the Member for London by a proceeding which had lately become too prevalent in that House. It was so general in its terms that he would defy anybody to tell what it meant; it was calculated to catch anybody, while it did not commit the person who ought to be responsible for it. What did an extension of the franchise mean? Did it mean a £9, an £8, or a £5 franchise; or household suffrage or universal suffrage? If the noble Lord and his followers objected to the principle of the Bill they ought boldly to move its rejection, and not endeavour to prevent its further progress by moving at that stage Amendments which might easily be introduced in Committee. He repeated that it was with great regret he should find himself unable to support the second reading of the Bill; and in the course he should feel it his duty to take upon the subject he would be influenced by no personal motives, but would act solely from a regard for the welfare of the country, and from a conviction of what was due to the honour and safety of the party to which he belonged.

Mr. DODSON said, that only two hon. Members who had spoken to-night on the Government side had expressed admiration of the Bill; but their praise was of that diluted kind which was generally supposed to carry with it rather more of condemnation than approval. The Opposition had been asked how they could vote against it when they did not know what measure was to succeed it. His answer to that was a plain one: the Bill was a bad one, and he should vote against it; and if the one that succeeded it was no better, he should treat it in the same way. They were told alternately that the Amendment meant nothing, and everything; that it was a dextrous and a clumsy move; that it would carry the noble Lord who had moved it to power, and that it would sink him to a still lower depth. He would say nothing as to what its effect would be in that direction; but this he would say, that the Resolution presented a clear and simple issue for the decision of the House. To his mind the two points involved in it were so important that they ought to be affirmed without delay; and even if the Bill were allowed to be read a second time it should only be done after an express declaration on the part of the House that the county franchise, as affecting the 40*s.* freeholders, should not be interfered with, and that the right of suffrage in towns should be extended further than was contemplated by the

Bill. Rather than be viewed in the light of a party move, the Amendment should be taken as an act of kindness towards the Government, because it afforded them a loophole to escape from the difficulties in which they had involved themselves by committing themselves to these two points. After the course pursued by them with respect to the India Bill, the property qualification of Members, and the admission of Jews into Parliament—after the very consistent manner in which they had turned their back on themselves since they had been in office, he thought it would be mistaken pride on their part if they did not avail themselves of this Amendment to avoid their present difficulty. It had been asked why property in a borough should confer a vote for the county. The reason was simple. A town was a component part of the county in which it was situated, and did not cease to be so because it constituted a Parliamentary borough. A certain portion of its inhabitants had therefore a right to throw their weight into the scale of the county elections. It was remarkable that a Conservative Government should propose to do away with the old constitutional distinction between the county and borough franchises. He knew not whether this part of the Bill sprang full-armed and equipped from the brain of the Chancellor of the Exchequer on the 25th of January last, or whether it had undergone a longer period of gestation by the Cabinet. Certainly it was totally at variance with the principles which that right hon. Gentleman had laboured to impress on the bucolic mind at Newport Pagnell in 1857, when he said that no measure of Parliamentary Reform could be safe or satisfactory which extended the £10 franchise to counties, or which did not considerably increase the franchise in boroughs and cities. Now could it be said that this Bill was framed in the spirit of that opinion? It appeared to him that the ultimate object of the scheme was to draw a sharp line of distinction between town and country, so as to get as much as possible trade and manufactures on one side and agriculture on the other. It was of great importance, no doubt, that classes should be represented in Parliament, but the representation should not be direct, as the Bill proposed to make it, but indirect, as it had always been hitherto. At present the Members of the House represented localities, but this Bill would convert them into representatives of class interests only; one would represent trade, another manufactures, another agriculture, and by that direct representation of classes the British Parliament would be lowered to the position of some of the "Estates" in Continental countries. Members would come to Parliament as the advocates of a single class, and the House would cease to be a national assembly representing the whole empire. It would be converted into an arena of strife between contending interests.

Mr. W. VANSITTART said that, with reference to his own feelings, and in justice to the petition which he presented yesterday, numerously signed by his friends and supporters at Windsor, he would rather not give a silent vote upon the present occasion. He had listened very attentively to the speech delivered by the noble Lord the Member for the City of London, in the hope of hearing some justification of the very mischievous Amendment he had moved to this momentous national question, which Her Majesty's Ministers, evidently regarding it as a lapsed legacy bequeathed to them by past effete Governments, had had the manliness to take up and bring under the consideration of that House. He could not allow his better judgment to be entrapped by the noble Lord's specious arguments and plausible sophistries, for it struck him that the noble Lord, still smarting under the recollection of his unsuccessful efforts to pass a measure of Parliamentary reform in 1854, was now anxious to prevent his opponents, and more particularly a Conservative Government, from carrying one. What the House had to do, was to consider the propositions embodied in this Bill as a whole, and not to reject it, or withhold their consent to its going into Committee, simply because some of its provisions might be objectionable. Many hon. Members professing extreme Radical opinions, and over whom the noble Lord was so anxious to preside as their acknowledged leader, clung with the greatest tenacity to the long-cherished desire of arraying town against country, by transferring all political power from education, wealth, and social position to the tender mercies of one class which had hitherto been represented by its rulers, its leaders, and its paymasters. These gentlemen would carry their injustice to such a degree as to destroy at one fell swoop eighty-six boroughs from among our rural market towns, coolly consigning to perdition 130 Members, without a chance of political resurrection. Having disposed of them in this offensive manner, they would give 104 of our seats to the cities and towns, and only twenty-six to the counties, and thus not only effectually deprive the agricultural, rural, and territorial classes of all hope of being able to contend on fair terms against the influence of cities and towns, but destroy the existing balance of interests in that House, seriously weaken the Constitution, and remove the long-established landmarks of this great and glorious country. It was consolatory to find that this Bill avoided these fatal evils, for he had always wished to see this subject dealt with in conformity with the increasing requirements of the country and the spirit of the age. With reference to the apathy and listlessness throughout the country on this question, he ventured to say the public mind was totally opposed to any great, sweeping, democratic changes, and that all it desired was such a re-adjustment and moderate extension of the existing Parliamentary and electoral system as would render the House of Commons the full and fair representative of the advancing intelligence and property of the community. With regard to a sweeping disfranchisement of the small boroughs, as he was not prepared to admit that the representatives of the small boroughs were less intelligent or possessed less administrative abilities than the representatives of the monster boroughs, and as he considered that the provisions of this Bill were amply sufficient to enable them to act in harmony with the growing wants and intellectual enlightenment of the people, he should give his cordial support to the second reading of this Bill, and oppose the insidious Amendment of the noble Lord. He wished he could prevail upon the noble Lord at the eleventh hour to withdraw his Amendment, and no longer to allow this sacred question to be made the football, the shuttlecock of political strife, of party feeling, and of personal aggrandisement, but to consent to its going into Committee, substituting there such Amendments as he might deem necessary; and then he ventured to say the Reform Bill of 1859 would last as long as the Reform Bill of 1832—namely, for upwards of a quarter of a century; and when they were sent back to their constituents in the approaching autumn they would be enabled to say—

> "'Twas not the product of a day,
> But the well-seasoned fruit of wise delay."

Hon. Members might depend upon it this was a better course to pursue than for the noble Lord to fall into the snare laid for him by the hon. Member for Birmingham, by postponing all legislation on the subject until after a dissolution of Parliament; for he could not and he would not believe the Earl of Derby would resign without availing himself of the great constitutional right of an appeal to the people. He would ask any sensible man which was the more advantageous course to pursue, that this great question should be settled by the calm deliberation, the wisdom, and the freedom from excitement and passion of the present assembly; or should be decided by a House of Commons redhot from the hustings, and when men's minds had been temporarily—for it would be only temporarily—lashed up into a state of frenzy by the wild appeals of unscrupulous agents and fiery demagogues. A return had been furnished to him by his friend Mr. Wright, the director of the Windsor and Eaton Savings' Bank, from which he found that the franchise would be extended to the depositors in that bank at the rate of 20 per cent. He had wished to draw attention to the defective, faulty, and costly machinery connected with the registration; and, lastly, he desired to point out the baneful influence exercised by the collectors of rates and taxes in counties, cities, and boroughs at the time of an election. He brought forward a clause last year to meet this evil, and, had it not been for that old worn-out cuckoo cry of being opposed to bit-by-bit or piecemeal reform, raised by some hon. Members opposite, he should have carried it. As it was, he was only defeated by a small majority of thirteen. He would add no more, but reserve any further observations until they got into Committee on the Bill, which he trusted would be the result of their deliberations.

MR. F. CROSSLEY said, it had been stated that Bill after Bill had been introduced on this subject and withdrawn, and that the present was the only measure since 1832 that had been proposed for a second reading. Now, he thought it possible for the present measure to be read a second time, and even to pass into law, and yet leave the question unsettled. Who was it that called for Reform? Was it the higher or the middle classes? He thought not. It was that class who were left out of consideration in the Bill of 1832—the working classes. The noble Lord the Minister for India had said it was necessary to define who was a working man, and what was meant by "the working classes." It was allowed, he believed, that the hardest worked man in the country was the Prime Minister. The hon. Member for Taunton defined the working classes to be those who received wages, and he said that one-eighth of his constituents were of that class. The Prime Minister received wages; but he was not considered to belong to the working classes. The servants of mercantile firms, who ran their own carriages, received wages, but they were not considered as of the working class. The working classes, then, were those who depend upon the labour of their own hands for their livelihood. Now that was the class which had been left out of the Bill of 1832; and this was the class left out of consideration in the Bill of 1859. The hon. Member for Dorsetshire (Mr. Sturt) had made a regular good speech against the Bill, he denounced it in every possible way; yet he stated he should vote for this bad Bill. The other hon. Member for Dorsetshire (Mr. Ker Seymer) also supported the Bill, but he said he would not give the working classes the franchise because they were ignorant, and he pointed as an instance to the case of the shoemakers in a certain district opposing the introduction of machinery. But he (Mr. Crossley) could point to a very different picture—one under his own observation. When the great Exhibition opened in 1851, the firm with which he was connected employed 700 men upon one particular kind of work by hand. Since that time the whole of that hand labour had gone out; and now, by the aid of steam power, one man was doing as much work as six men did in 1851. During this Revolution in that trade, what had those working men done? Had they opposed the introduction of the machinery? Had they broken it? On the contrary, they used every means to assist and promote its developement, for they understood the principles of political economy. They knew that in a limited country like this the way to succeed was to endeavour to make two blades of grass grow where only one grew before; that we must so develope our manufactures as to compete with the whole world, and if we could not surpass other nations, at least be sure not to be left behind them. He had stated on the introduction of the Bill that out of the 1,300 men in their employment, living in a Parliamentary borough, not one, who was not a foreman or something more than an ordinary working man, had at the present time a vote for the borough, and that this Bill would not give it to them except by taking it from the county. Some of these men were 40*s.* freeholders, and they would be disfranchised as to their votes for the county, though they would receive them for the borough. A good deal of stress had been laid upon the savings' bank clause as to what it would do for the working man; but he could not think that a working man with a family could afford to keep £60 in a savings' bank at a low rate of interest. It was dictating to him how he should deal with his savings. The man might be of opinion that he could use his money in a better way without putting the country to any expense for the country had lost millions by the payment of more interest upon deposits than it had made by those deposits. Besides this provision would open a loophole for abuse. A man of capital could easily deposit money in savings' banks in different names, and the pillars and posts would then vote as he wished. With regard to the franchise, he thought the Government would have done well to have taken the advice of the two right hon. Gentleman who had seceded, and have reduced the borough franchise so as to admit working men, among whom he (Mr, Crossley) thought there was as much honour and integrity as among any other class in the country. Many hon. Gentlemen who yet entertained good feeling towards the working classes, but who had not had the same opportunity of judging of their deserts as he had, were afraid of trusting them, but their fears were groundless. They must admit that whatever ability a man might possess, and whatever plans he might form, he was dependent upon the willing arm of the working man to carry out his ideas, or they would fall like waste paper to the ground. Why then tell those people that they were an isolated class who should pay the taxes demanded of them? Why tell them when they asked to have a voice in deciding what was to be done with those taxes, that they were too numerous a class to have a voice in the matter? If they were the most numerous class that was no argument for shutting them out altogether; why not admit a portion, if not the whole? He had been very much pleased with the right hon. Gentlemen opposite, who had exhibited great industry in office, and great attention to business. He also approved of the mode in which they received gentlemen who came to them from the country. They were quite alive to the interests of the country, and he was exceedingly sorry to be obliged to give a vote that would turn them out of office. He did not perceive that they had, on the opposition side of the House, men who were qualified to lead the Liberal party. Where were they on last Tuesday? They had been voting for twenty years to have church rates abolished; but where were the two noble Lords (Palmerston and Russell) on Tuesday, who should have been at their head? They had been leading their followers into the wrong lobby until they had not a follower left, and then they fled from the conflict. The noble Lord the Member for King's Lynn, voted like an upright man, for the total and unqualified abolition of church rates, and he (Mr. Crossley) should have been very glad if the noble Lord had not got into such Conservative company. It did not require ten times seven years service to be a Prime Minister. He rather preferred to have a Prime Minister half that age. He would rather buy a horse with the work in him, than a horse which had had the work taken out of him. He was exceedingly sorry to give a vote to disturb the Government of the country, but he could not vote for the second reading of any Bill that did not, on the very face of it, admit the working classes.

MR. KNIGHTLEY said, the most important clause in the Bill, that of giving the right of voting to the £10 occupiers in counties, resembles the gold and silver shield in the fable—it presented a totally different aspect when viewed from opposite sides of the House; for instance, when the noble Lord the Member for the City was in office in 1851, he resigned the post of First Minister of the Crown, because he was unable successfully to resist the introduction of that measure; yet in 1857, and again in 1858, when he was in opposition to the late and to the present Government, he strenuously supported the very measure he had before opposed. Then, again, the noble Viscount the Member for Tiverton; in 1857 he made an able speech in opposition to that measure; yet in 1858, when he had crossed over the House, both spoke and voted for it, and the whole of the late Government, with a subordination or over unanimity which was wonderful, gave in one short year two diametrically different votes on precisely the same subject. He had no sort of objection to extension of the franchise to the £10 occupiers, as was proposed by the Bill of the Government, for he thought them quite as intelligent a class of men as the £10 voters in boroughs; but he also held that you should not enlarge the county constituency unless you at the same time enlarged the county representation. The fact was that the counties had never yet had their fair share in the representation. With a population of 10,000,000 they were allotted 159 Members, while the boroughs, with 7,000,000, possessed 337 Members. It was, therefore, perfectly clear, that if you wish to be just you must take away 130 Members from the boroughs and transfer them to the counties. When this argument was brought forward in the preceding year, the noble Lord the Member for London met it by saying that the counties were compensated by the Members for the small boroughs, who might be looked upon as county Members; but he (Mr. Knightley) denied the soundness of that argument. What consolation would it be to the yeomen of South Devon, who complained of his infinitessimally small share in the representation, to be told that the Duke of Bedford returned two Members for Tavistock, and that he was represented by the nominees of that nobleman? Here was a constituency of 10,000 electors completely neutralized by the nominees of Tavistock and Totnes. It was bad enough that this should be done by Exeter, but in the case of the two nomination boroughs he had named it was positively monstrous. He was not prepared to go the length of the hon. Member for Birmingham in disfranchising these small boroughs; but still he thought that the schedule A of the Government Bill might have been considerably enlarged. Neither could he admit that numbers alone were to be taken as the basis of representation, but if they were, he was yet to learn why a certain number of individuals, simply because they were congregated within the limits of a borough, were to reckon for more than the same number scattered over the more extended area of a county. But whether they took population or property, or the number of inhabited houses, it was perfectly clear that the counties were entitled to a greater number of Members than the boroughs. The hon. Member for Birmingham was quite aware of this, and attempted to wriggle out of the difficulty, by saying that the counties were represented by the House of Lords. Why, he (Mr. Knightley) might as well say that the boroughs ought not to have so many Members because they were represented by the Queen. The statement would not be a bit more illogical in the one case than in the other, nor would it exhibit a more utter ignorance of the first fundamental principles of the British Constitution. He trusted that the hon. Member would not consider what he had just said discourteous, seeing that he had himself frequently admitted that he had never seen the British Constitution, and did not know where to find it. As for the Resolution of the noble Lord, he understood the noble Lord's wish to be that the borough freeholds should remain untouched. But what was the present state of the law in this respect, and how did it operate? If a man in a borough had two small houses, worth £12 a year, he had out of them two votes, one for the county and one for the borough; while another man, his neighbour, might be worth £1,000 a year, and have only one. This arrangement operated heavily against the country interest. Take Middlesex for instance. In that county out of 14,000 electors, 8,000, or more than one-half, voted for property within represented boroughs. In Lancashire, out of 20,000, 12,000 held similar qualifications. It was, therefore, quite obvious that in those counties, the towns, as well as their own Members, returned also the Members for the county. He did not mean to say that Manchester, and Liverpool were not entitled to more Members—he thought they were—but that formed no reason why the suburban population of Middlesex and of Lancashire should be deprived, as they now were, virtually wholly deprived of any share whatever in the representation of the country. But the noble Lord the Member for London was perfectly shocked at the idea of overturning a franchise which dated back to the time of Henry VI., as if that argument would not apply to all attempts at reform. Why, that was the argument used by Sir Charles Wetherall against extinguishing Gatton and Old Sarum, but certainly he had never expected to hear it from the noble Lord, more especially as the disfranchisement now objected to was only what the noble Lord himself proposed to do when he introduced his first Reform Bill in 1831. The noble Lord then said:—

> "I have only one thing more to say with regard to there presentation of England. In all those new towns to which we propose to give the right of sending Members to Parliament, all persons who are by their property entitled to vote, are to be excluded from the right to vote for the representatives of the county by virtue of the same property. At the same time, that the towns will have themselves a proper share in the representation, we do not intend that they shall interfere with the representation of the counties. It is not intended to interfere with the franchise of those freeholders who are at present entitled to vote."—[3 *Hansard*, ii., p. 1076.]

In support of the same argument, he could quote the noble Lord the Member for Tiverton, who following up the argument of the noble Lord, the Member for the City of London, said:—

> "The plan proposed went to restore to the landed interest that influence which he thought indispensable to the safety and the prosperity of the country, by giving fifty-five Members to the counties—and still further, by conferring votes on copyholders, and not permitting those who had votes for towns to enjoy the same privilege in counties. He looked, indeed, on the increase of the Members for counties as the surest and most stable basis of representation; for, without meaning to disparage the manufacturing or commercial interests, he must say that he considered the soil to be the country itself."—[3 *Hansard*, ii., p. 1329.]

With regard to the proposition of the noble Lord for extending the franchise amongst the working classes, the hon. Member who had just sat down urged it on the grounds that they were not generally addicted to the breaking of machinery. That might be true, but the right hon. Gentleman below him the Member for Kidderminster (Mr. Lowe) knew that the breaking of heads was a pastime which they sometimes indulged in. However, that branch of the subject had been so completely exhausted by his right hon. Friend the Secretary for the Colonies, that he should not further detain the House by discussing it. He should only say—"If you recognize the right of labour in the towns, by what parity of reasoning do you ignore it in the counties?" He observed, that the noble Lord the Member for London, and the hon. Member for Birmingham, between whom there existed such a community of opinion on every subject, both agreed in placing the county franchise at £10, but the latter proposed that in boroughs it was to be reduced to a rating, or what was, in fact, an universal suffrage. Upon what principle of justice or expediency could they refuse to the counties the privileges which they gave the towns? Did they mean to say that the working classes of the counties were persons of less intelligence than those of the towns? Upon this point he would quote a few lines from the work of one who was the highest possible authority on the other side—he meant that great political economist and father of free trade, Adam Smith. Adam Smith said, that next to the liberal arts, there was no trade which required greater intelligence or experience than that of farming. ["Hear !"] Hon. Gentlemen opposite were sacrilegiously scoffing at the Bible of the free traders. Adam Smith went on to say, "How much the lower ranks in the country were superior to those in towns was well known to every one whose business or pleasure made him conversant with both." To refuse the working classes in rural districts, therefore, any privileges which were enjoyed by their brethren in the boroughs, would be an injustice so gross and so monstrous, that if it were perpetrated it would, ere long, lead to that "ugly rush" which had been prophesied by the right hon. Member for Oxfordshire. Under these circumstances he (Mr. Knightley) should support the second reading of the Bill, though he would frankly own that the Bill was not at present in a form of which he could wholly approve.

Mr. SIDNEY HERBERT:—I am almost lost, Sir, in the speeches which I have heard from the different sides of this House during this discussion. If one were blinded it would be difficult to imagine that the orations which have been delivered from that (the Ministerial) side of the House had not been spoken on this side, or *vice versâ.* I do not go the length of some of my Conservative friends. I am not prepared for electoral districts. I am not ready to argue the whole question of the representation upon the numerical calculation of aliquot quantities. I listened, as every one must have listened, with admiration and delight to the speech which was delivered by the right hon. Baronet the Secretary for the Colonies; but in the midst of that splendid declamation—I use the term in no hostile sense, for no man who heard the speech could fail to be impressed by it—I listened in vain for words from which I could derive some comfort—some indication of a course on the part of the Government which might afford facilities to those who are bound to no party objects for extraction from those difficulties in which we find ourselves. The right hon. Baronet spoke to us of what might be done in Committee. He said, "Why do you move Resolutions? Why should any one even vote against the second reading of the Bill?" He said, "There are questions of savings' bank value—£50 or £60. Prove your case. It is a question for Committee. There are other questions as to the franchise—for instance, as to lodgers, whether so many shillings be too much or too little. Prove your case. It is a question for Committee. Do you prefer or do you dislike the system of voting by voting papers or that of voting openly at the hustings? Prove your case. It is a subject for Committee." Well, of course, these are subjects for Committee. Nobody questions that. You may entertain any opinions you like upon them and the alteration of a few words in Committee—the negativing of a clause or of half a clause—will meet the objections of those who are dissatisfied. But there are other principles in the Bill of which the right hon. Baronet made no mention. We are asked to vote for this Bill under very peculiar circumstances. We object to the principle upon which the measure is constructed. The Government told us one night, "We are going to make a change in a principle which appears to cause dissatisfaction on the part of some hon. Members." The noble Lord the Secretary of State for India (Lord Stanley) told us—"There is an error and an oversight; we mean to save vested interests in the case of freeholders in boroughs." I am not disposed to admit that there is any case of vested interests with regard to that particular franchise. It is something higher than an interest; it is a right. But the noble Lord says it is an omission; he regrets it; it is to be remedied in the Bill. The Chancellor of the Exchequer announces the remedy, which he says is in no respect to militate against the principle of the Bill, and the principle of the Bill is—"We disfranchise no man. We disqualify some. We disfranchise no place. The principle of this Bill is uniformity of the franchise." The noble Lord the Secretary of State for India told us that the Amendment of the noble Member for the City (Lord John Russell), if it were carried, would be fatal to the Bill. What is fatal to the Bill? Is it that part of the Amendment with regard to the freeholders which was accidentally omitted, and which is supplied most sagaciously by the hon. Member for Somersetshire—for all county Members are not such as were described last night by the hon. Member for Dorsetshire? Is it the second part of the noble Lord's Resolution that is fatal to the Bill? We cannot tell. If it be, then it is true, as the Chancellor of the Exchequer has said, that uniformity is the principle of the Bill, and that anything that touches that uniformity is fatal. But the Chancellor of the Exchequer says that "it will be open to any hon. Gentleman to move amendments in Committee. I hope the Government will not be debarred from pursuing the same course." In one sentence we are invited into Committee; in another we are repelled from Committee if we hold opinions against the principle of uniformity of the suffrage. I want to get at the real facts and merits of this case, and not to enter into minute discussions upon questions as to what differences of opinion exist upon either side of this House. I do not deny that there are differences. I think the best policy is to speak out and to tell the truth upon these points. There is the greatest difference of opinion upon almost every question upon this (the Opposition) side of the House. Let us face our difficulties. Let us see what we can do and what we cannot. Looking to the benches on this side I see differences upon church rates, differences upon the ballot, differences upon disfranchisement, differences as to the advisability of an extensive democratic change. I admit these differences fairly. But are these differences confined to this side of the House? I look to the other side. What do I see there? Differences upon church rates, differences upon the ballot, differences upon the disfranchisement of boroughs. ["No, no!"] To which is objection made? ["The ballot!"] The ballot! Is it in this House only that these differences exist? Are there not differences upon these questions in the Cabinet? I really do not wish to say this in any hostile sense. I want to show you that it is useless to bandy accusations about differences of opinion. The other night I heard the noble Member for North Leicestershire (Lord J. Manners) make a strong appeal, calling upon this House and the Government to resist the Bill of the hon. Member for Tavistock (Sir J. Trelawny) for the abolition of church rates. Many Members of the Government supported the noble Lord's views; but the noble Member for King's Lynn (Lord Stanley) voted—as he had done before—in opposition to the appeal of the noble Lord the Member for Leicestershire. I believe the noble Member for King's Lynn never conceals his opinions. I believe he entertains an opinion in favour of the ballot. ["No, no!"] Am I wrong? My authority may be slender. I will tell you what it is. I read in the winter an invitation to the noble Lord to attend a dinner of the friends of the cause of the ballot to celebrate, I think the arrival of some person from Australia; and my noble Friend sent a very polite answer, but an answer which speaking of a prior engagement, and so forth—did not imply to my mind that he had any very strong objection to the ballot. I must say that a refusal couched in these terms does not usually imply any rooted aversion on principle to accept the proffered hospitality. I take it that if the hon. Member for North Warwickshire (Mr. Newdegate) were invited by Cardinal Wiseman to attend the celebration of high mass he would couch his refusal in terms somewhat stronger than that he "regretted a prior engagement prevented him from accepting the invitation." I hope we shall be enabled to arrive at something like a sound conclusion before long, as to what is really the meaning of the Government with respect, not to the Resolution of the noble Lord, which they look upon as a hostile attack on the Treasury Bench, but upon the two principles contained in it—principles upon which not only great numbers of far more important persons than myself on this side of the House, but upon which I will venture to say that no small proportion of Gentlemen opposite sitting below the gangway, entertain opinions identical with those which I now express. The right hon. Baronet the Secretary for the Colonies says that the Government stands as a shield, as the only bulwark, between the constitution of the country and those extreme demagogic adventurers who meet in Hyde Park, and who are for annual Parliaments, universal suffrage, equal electoral districts, and vote by ballot. Well, if that were true—though, fortunately, it is not—I confess I should look with great alarm upon the prospect which awaited our institutions. But is the fact so? The right hon. Baronet made a speech—perhaps one of the most eloquent that I ever heard—in defence of our mixed institutions, our limited monarchy, our tempered liberty. But in listening to it one would have said, "This is a defence of a Bill which makes no invasion on the constitution, which starts for the first time no new principles, but which gives a firm adherence to that which we have hitherto preserved." Now, I wish the House to listen for a short time while I ask this question. We are a mixed body in this House to an extent that I never knew before. The noble Lord the Secretary for India says that the Government is in a minority, party Government is a thing of the past, the House is divided into sections, and Ministries must for the future depend not upon the organized machinery of party, but upon the measures which they may submit; if good, he adds, those measures will be carried; if bad they will fail; but all must be tentative, and all that Ministries can henceforth rely upon is a clear insight into the wishes of the people, and of the House which represents the people. Now, I confess I have come to very much the same conclusion myself. I believe the old system of party Government to be pretty well at at end. The change of policy which it will entail will be a very difficult one. It will require in the Minister who is leader in this House all the tact, all the ability, which I am bound to say the right hon. Gentleman the Chancellor of the Exchequer displays in the leadership of the House. But the phase through which we shall have to pass will be a very difficult and a very dangerous one, and Governments will be unwise who refuse to listen to the voice of large numbers in this House, bound together by no party ties, who try to lead them in the direction in which they believe that the safety of the country lies. Recollect that when you speak of differences upon this side of the House, and use this as a taunt against those who support my noble Friend, not only do I admit the existence of differences, but I urge them upon you as the very reason why you should listen to our representations. If this were to be a party division, a mere proposal to turn out the Government, I say frankly that I should greatly regret to see such a change. I notice a laugh on the face of two Gentlemen sitting opposite, who, I presume, doubt my sincerity. I can truly say, however, that the outward appearance of office conducted under present circumstances has very little temptation for me; and I hope that those Gentlemen will also believe that men can be animated by some higher motives than by love of place. I can assure them that I should be the last person to impute to the Gentlemen now sitting on the Treasury bench that, in bringing forward this measure, they are animated by any undue wish to retain office; and I trust they will do me and other Gentlemen who sit near me the same justice, and will believe that in discussing this grave and weighty question we feel there is something more important than the mere transfer of parties from one bench to another. Now, what is it we want on the subject of Reform, and what is it we do not want? If we can ascertain these things, the question then comes—What is the best way of attaining the object we have in view? Speaking generally, we want, I apprehend, an extension of the county franchise, and we want an extension of the borough franchise. From what has this cry for Reform arisen? The right hon. Baronet (Sir Edward Bulwer Lytton) says that men whisper to one another, "We must have reform; but who wants it?" I hope that sentiment has not pervaded the bench which is producing the Reform Bill. I want reform, and I will tell the right hon. Baronet why. During five or six years I have seen this question used in a manner which I think does not tend to the stability of our institutions. I think that, coming into office, the right hon. Gentlemen opposite were not only justified, but were compelled to produce a measure upon this subject. At the same time I cannot conceal from myself the inconvenience of having a question of organic change in the hands of Gentlemen who are traditionally opposed to it, while those who would naturally advocate such a change are in opposition. The proper and natural course of events—the course most for the benefit of the country—would have been that the Whig party should have brought in a Reform Bill, that there should have been no bidding against them for extreme support by those who are professedly Conservative; but that the Conservatives, acting as an Opposition, should have checked, and possibly have modified the measure. As matters stand, however, be the Bill as just as possible, it becomes a political necessity on the part of those who are now in Opposition to outbid Gentlemen in office. We have lost the value of an Opposition in the sense in which an Opposition should exist, and we have lost the value of a Government in the sense in which a Government should exist. But, at the same time, I admit that circumstances are stronger than us. We have to discuss a Reform Bill proposed by Gentlemen opposite, and I say again, frankly, I shall in no way blame them for undertaking the task. But now you say, "We have met your wishes with regard to the county franchise." Well, you have met our wishes on that subject; but I confess I do not know what has actuated the right hon. Gentleman in adopting the measure of the hon. Member for Surrey (Mr. Locke

King). What has been the history of the county franchise question in this House? A great deal of misunderstanding has prevailed on this point. It has been said that the Government adopted the measure because it had been carried over and over again by Mr. Locke King, because the House of Commons had virtually settled it, and the Government had no option left them. Is that the case? The first year in which the hon. Member proposed a Bill to assimilate the county to the borough franchise it was carried. My noble Friend the Member for London (Lord John Russell) was at that time Prime Minister. It was a small and a snapped division; only 152 Members in the House, and there was a majority of 48 or 50. The noble Lord took that as an indication of revolt among those who sat behind him, and he resigned. But then the hon. Member for East Surrey brought forward the question again in 1852, his Bill having the same object and the same title. What was its reception? It was thrown out by a majority of fifty-three, the numbers being 202 to 149. During the war the hon. Member very properly abstained from reproducing his Motion; but in 1857 there was again a Bill to assimilate the county and borough franchises. On that occasion, it was opposed by the noble Viscount the Member for Tiverton (Viscount Palmerston) who objected to it on the point of identity of suffrage, and said that it would lead to equal electoral districts. It was also ably argued against by the right hon. Gentleman the Chancellor of the Exchequer (Mr. Disraeli). I do not mention this by way of an attack upon his consistency, because upon this subject since it has been in this House we have most of us considerably modified our opinions. Nevertheless, the Chancellor of the Exchequer said a great many excellent things against identity of franchise, and almost the only thing in which he was wrong was in saying that it was quite impossible he should ever bring in a Bill of that description. What happened in the following year? I may remark, although it may seem presumptuous to quote myself, that in that debate I took the same objection to the proposal of the hon. Gentleman, and said that the great fault we now found with the authors of the Reform Bill of 1832 was that they had brought us nearer to uniformity of suffrage, and that society not being uniform, uniform suffrage could never represent its varied state. In the following year, so little was the confidence of the hon. Member in the reception of his proposal, that being a keen observer of the feeling of the House on the question he actually altered his Bill. The first was, as I have stated, a Bill which proposed to make the franchise in town and country identical; that of which I am now speaking bore the new and vaguer title of "a Bill to amend the Franchise in Counties," and had a blank left which was to be filled up by a certain sum to be decided upon in Committee. Well, my noble Friend the Member for Tiverton when it was introduced said, as he had done the year before when he alluded to the qualification of £20 for a juror as being the proper *minimum* to fix for the franchise in counties, that he should vote for the second reading of the Bill under its new title, and that he should move in Committee the insertion of a higher franchise. But what did the hon. Member for East Surrey do? It was not late in the Session. It was early in June. He never moved the committal of the Bill, because he knew from the temper which had been evinced by the House on the second reading he could never carry his proposal for a £10 suffrage. I mention these circumstances because I wish to ascertain why it was that the Government have assented to the adoption of a £10 franchise. They did not do so in deference to the will of this House. It must have been, then, with a view of securing that uniformity upon which the whole principle of their measure is said to be based. I have said that the object of this House is to arrive at a franchise moderately extended in boroughs and largely extended in counties. Those who are for extending the suffrage in boroughs have been described to-night by a high authority as "demagogic adventurers." For my part, I should desire no better thing than to see a Bill framed on the basis laid down by those two "demagogic adventurers" the right hon. and learned Gentleman the Member for the University of Cambridge and the right hon. Gentleman the Member for Oxfordshire. I dispute the merits of the principle of uniformity put forward as it has been this evening as the great safeguard against an indefinite extension of the suffrage. I altogether deny that it gives you any sound resting place from which to defend yourselves against extreme legislation on the subject. The right hon. Baronet the Secretary for the Colonies says that, if once you adopt this magic £10 to which he brings down the county franchise, maintaining the franchise in the towns at its present rate, you are safe from all those dangers which attend any attempt to Americanize our institutions. But where, let me ask, does this uniformity of suffrage come from? Is it not itself a product of foreign importation? Those, the right hon. Baronet contends, who oppose identity of suffrage are clever men, but he never heard such "deplorable rubbish" talked as was talked by clever men. But who, let me ask, are they who talk this "deplorable rubbish." Rubbish, though it may be, it has been the language of the constitution for the last 400 years. It is the language which has been used by the ablest of our statesmen, by the most far-seeing of our philosophers, by the most public-spirited of the citizens which this land of freedom has produced. Rubbish indeed! I must say when I heard the words, that the reflection which occurred to me was that in the interchange of sentiments and opinions in the Cabinet that borrowed phrase must be attributed to my noble Friend the Secretary for India, because the noble Lord has not that traditionary respect for the English constitution by which the right hon. Baronet may be supposed to be distinguished. The mind of my noble Friend is less poetical and more philosophic. He reduces things within the crucible of his reason, whence, no doubt, he drew last evening the argument that the theory of variety which is the theory of the British Constitution, was open to objection, while upon that of uniformity the utmost reliance was to be placed. But, be that as it may, the theory of variety appears to me to have been the immemorial practice of the English constitution, while the opposite theory is one which is now for the first time laid before the country for its adoption, after a few weeks of deliberation. Now, I do not stand here to speak the sentiments of hon. Gentlemen near me (Mr. Bright and others.) God forbid I should attempt to do so. I respect them for their honesty and I admire the ability with which they advocate the particular opinions which they entertain; I trust, therefore, they will not suppose that I mean to offer them any offence in speaking plainly my mind. I am no democratic Reformer. What I want is a measure of Reform which will give us stability. I seek for a measure, not framed, as my noble Friend the Secretary for India said last night this was framed, to pass. I want a Bill that will last. I have no sympathy—I say it frankly—with the sentiments expressed here; neither have I any sympathy with the measure which has been introduced there (the Treasury Bench). I occupy a middle position—a position which I believe is occupied by the great mass of the people of this country, who are attached to our ancient institutions, who look upon them as sacred traditions handed down to them from their ancestors, and which it is their duty to maintain inviolate. Enlarge them if you like; improve them if you can; but still keep them unimpaired in their vitality. Such would be my policy; and, entertaining those opinions, I cannot refrain from speaking them frankly, notwithstanding that their expression might give to some hon. Gentlemen temporary offence. Does, then, this Bill, with its principle of uniformity, meet the requirements which I have specified? For my own part, I must confess that looking beyond the morrow and into the future I regard it with the greatest alarm. It sacrifices everything to uniformity, a principle which is unknown to our constitution. It may, for aught I know, have been plucked from one of the pigeon-holes of Abbé Sieyés, who could manufacture constitutions faster than one could write down his plans upon paper. On what principle does it disfranchise the freeholders within boroughs? My noble Friend the Secretary for India has got a complete answer to his question. He says it does no such thing—that in the case in which a man has one vote he does not lose it at all; it is merely transferred from the counties to the boroughs. Then he went on to contend that a vote is of greater value to a man who exercises the franchise in a constituency of 500 than if he were to form one of a constituency of 5,000 persons. I hope the noble Lord did not mean that the vote would get a larger price for it. "After all," said the noble Lord, "what is the difference between voting for a town and voting for a county?" But the noble Lord is mistaken if he imagines there exists no preference in favour of a vote for the county as compared with one for a borough. My experience leads me to directly the opposite conclusion upon the point from that at which the noble Lord seems to have arrived. The right hon. Baronet the Secretary for the Colonies, with that oratorical skill which he possesses in so high a degree, never alluded to the disfranchisment of those freeholders in boroughs. He discussed the second part of the Resolution without having touched upon the first. He knew better. I take occasion to point out the circumstance to my hon. Friend the Member for Dorsetshire (Mr. G. H. Sturt), and thus to prove to him that the county Members were not deficient in sagacity, as he seemed to think them last night. But to return to the argument of the noble Lord the Secretary for India. He contends that if you give the freeholders in boroughs who now have a vote for the county, a vote for the borough, they will be satisfied. Now my experience of that class of men leads me to think that of all classes of voters they are the most independent. An observation of the hon. Gentleman the Member for Devonport (Mr. Wilson), that while the 40*s.* freeholders were the most independent of voters for the counties they would be the most dependent for the towns excited a laugh; but the reason of what the hon. Gentleman stated is plain. The employer of the 40*s.* freeholder has generally a vote for the borough and not for the county. His vanity, or what may be called his *amour propre*, is involved in carrying the man of his choice in his borough, and he naturally does his best to induce his servants and work-people to vote for him. But he has no concern with the county election, and therefore he says to his men, "Oh, as to the county do as you like." And they do as they like. There is moreover implanted in the heart of this class of men, a strong desire to posess land. He is proud of such possession, and he says to himself, "There is the Duke of Devonshire (or some other noble Lord) an owner of land, and so am I." There is then something in the freehold franchise that elevates the voter above the mere occupiers, and that elevating influence ought not to be lost sight of, and I cannot therefore agree with my noble Friend that the Bill will not operate unfavourably in his regard. But my noble Friend reserved his most extraordinary argument upon this point for the last. He says, it will in the future greatly facilitate the extinction, one by one, of the small boroughs. I ask the hon Gentleman opposite if that is the object to which the Bill is directed. The right hon. Baronet (Sir E. Bulwer Lytton) did not speak so of the small boroughs; he spoke of them with great respect; he says, with perfect truth that they stand between the counties and the great towns, and preserve an advantageous equilibrium, and send to the House men of education, independence, and business habits. I have examined a return made in 1854 of the population of the represented and unrepresented boroughs of the kingdom. Now, it was urged by the Chancellor of the Exchequer, and with great ability, that if you once alloted representation according to numbers, the representation of London would equal the representation of all Scotland; and at the statement a shudder ran through this assembly, marked of course, with the deepest respect for the Metropolitan Members. I recollect, too, that when the noble Lord (Lord John Russell) moved the Reform Bill of 1852, he said, on the whole, and looking at this House, he did not think it advisable to increase the number of the metropolitan Members. That announcement was received with loud cheers. I never heard a proposal more popular—not that the House has any disrespect for the metropolitan Members, for there are among them men as cultivated and as intellectual as any in this House. It was not then out of any objection to these hon. Gentlemen, but because the House dislikes the principle of numbers being made the basis of representation; and it also recollects this, that the metropolitan Members, if ever they do agree, it is invariably on some question of the payment of rates, on which they always unite against the payment. Now for the Return. The Return of 1854 states that there are 16 borough constituencies with above 100,000 inhabitants; 17 with between 50,000 and 100,000; and there is not a single borough of that size unrepresented. There are 51 boroughs with between 16,000 and 50,000 inhabitants; there are no boroughs of that size unrepresented, and every one of these boroughs represents itself alone, and, virtually, no other in the country. There are 46 boroughs with between 8,000 and 16,000 inhabitants; and there are 29 towns of the same size unrepresented; lastly, there are 55 boroughs with between 2,000 and 8,000 inhabitants; and do these represent themselves or something else? Why, there are 232 towns of the same population which are not represented. All these boroughs have the same kind of society; they are formed on the same principles, and have the same hopes, feelings, and prejudices. Now, I wish to ask, does not the constitution of these small boroughs give them some claim to be preserved? They stand on an argument strong in this House though not out of it. The privilege they enjoy is indisputable; they enjoy the privilege of sending to this House men of moderate opinions and cultivated minds, who make politics, not a trade, but a profession; who train themselves, from their first appearance in Parliament, to habits of business; and acquire a knowledge of public affairs, and that tact so necessary in a public assembly like this; they thus constitute men who are looked to when Governments fall, or Oppositions want leaders. If these men by any summary disfranchisement of the small boroughs were withdrawn from the service of the country, it would be very detrimental to our future welfare. But I must do justice to Her Majesty's Government in one respect—I think they have broken the spell of disfranchisement. These small towns, after all, have been of enormous use to this House. What is the object of representative Government? Does it mean the selection of the best men for the Great Council of the nation, or is the object that large numbers must be gratified by the possession of votes and the sense of citizenship? Elections, and hustings, and polls are necessary to our constitution, but they are only to be considered as the means of obtaining a certain result; they are not the end itself. The first end is to bring the best men into this House; the second, the importance of which I do not undervalue, is, that the mass of the population should have the sense of contributing to the common welfare. But we must not sacrifice the first principle to the second; we may reconcile both, and yet extend the suffrage; this is what I want the Government to do. What I complain of is, that the Bill only affects one object and ignores all the rest. What is this principle of uniformity of the franchise? It is new. By what is it recommended? By symmetry. But is any man in this House so sanguine or so blind as to believe that after the lapse of a few years you will be able to maintain the borough franchise at £10? Then the same turn of the screw that brings down the county franchise will bring down the other. I wish to read a passage from the writings of one of those clever men who have "talked rubbish about the constitution;" it is worth reading; it is a passage from Sir James Mackintosh on universal suffrage. He says:—

> "A variety of rights of suffrage is the first principle of the English representation. . . . An uniform qualification, in short, must be so high as to exclude true popular election, or so low as to be liable to most of the objections which we shall presently offer against universal suffrage. It seems difficult to conceive how it could be so adjusted as not either to impair the spirit of liberty or to expose the quiet of society to continual hazard. Let the reader seriously reflect how all the sorts of men who are necessary component parts of a good House of Commons could on any other scheme find their way to it. We have already sufficiently animadverted on the mischief of excluding popular leaders. Would there be no mischief in excluding those important classes of men whose character unfits them for success in a canvass, or whose fortune may be unequal to the expense of a contest? A representative assembly elected by a low uniform qualification would fluctuate between country gentlemen and demagogues."

And those who stand between these two extremes will be swept away. When it comes to a conflict between them on opposite sides of the House, which will ultimately prevail? Will it be the more inert body, possessing good and great qualities, that contribute to the stability of the State, or those active and energetic men who would soon overbear all the qualities and virtues of the country gentlemen? I am a country gentleman myself, and on whichever side of the House I sit I shall consider the due representation of the land is necessary to the welfare of the State. I look with horror at such a division of classes as shall divide this House into Members for Birmingham on one side and Members say for Warwickshire on the other. The hon. Member for Birmingham (Mr. Bright) is, perhaps, the best instance I could cite, from his capacity, his eloquence, and also from his want of traditional respect for the constitution that has existed for ages. I impute no blame to him for it; if he believes in his own views he has a right to advocate them. But they are opinions opposed to those of the more inert mass who are contented with our well-being, but who cannot make the same efforts in defence as their opponents can as assailants; and from the moment the country gentlemen are pitted against the demagogues, from that moment the constitution is overthrown. It is difficult to specify the differences between classes in this House, or in the country. But at any rate on neither side are the divisions coterminous in religion, property, education, or feeling; and you have a large number of men whose influence and power enable them to mediate between parties, and alleviate the bitterness of party disputes. Having expressed my objections to the system of uniformity of the franchise, I hope the House will allow me to touch on another question of great importance in this discussion. Many Gentlemen agree with the opinions I have endeavoured, however feebly, to express. But it is said that there is something in the position of parties in this House which makes it wrong in my noble Friend (Lord John Russell) to propose his Resolution. I have stated, and I repeat, that I have no party object or intention in voting for the Motion of the noble Lord. I see great danger in this measure. I want, if I can, to get some substitute for it. I would be very well content to take the Reform Bill sketched out by the shrewdness of the right hon. Gentleman the Member for Oxfordshire. I say frankly—and I am bidding for no support in making the assertion—that the nearer I could get to that the better I should be pleased. I believe further that with that the great majority of this House also would be better pleased. I do not believe that hon. Gentlemen opposite, the warmest supporters of the Government, have been suddenly enamoured of the new doctrine of uniformity. I believe they would like to stand by the ancient ways of the constitution. I would sooner go too far upon them than go altogether out of their track. It is the safer risk of the two, for in that course you would, at any rate, have on your side the innate good sense and good feeling of the English people. But get upon the wrong track—which leads you to the edge of a precipice—and you are told that it is Conservative, because it does not pitch you over; get upon that, and I say that no man can tell to what end it may bring you. Now, I want to get at some measure of the kind indicated by the right hon. Member for Oxfordshire. How am I to do it? I had a lecture last night, in common with many others, from the right hon. Member for Stroud (Mr. Horsman) on political morality. I am always glad to receive advice on such subjects. But what are the several proposals, one of which that right hon. Gentleman advocates? One of them is to vote against its second reading if you dislike the principle of this Bill. Another is, if it be not the principle, but the details to which you object, then go into Committee and discuss its provisions there. A third is, not to vote against the second reading, but to vote for this Resolution. If you vote against the second reading, you throw out the Bill contumeliously, and do not even specify to the country what you object to and what you approve. If you want to turn out the Government, then vote against the second reading. That is intelligible and according to precedent. Precedent is a great thing in these matters, and I ought perhaps to apologize for not taking notice of this argument. Yet this species of Parliamentary red-tapism really does not require much reasoning to dispose of it. I see a bad Bill before me. I want to get rid of it. And I think the weapon that comes to my hand is about the best I can use for the purpose. I wish to destroy this Bill, and to get another in its place, founded on a different principle, and I should like the Government, if they could be induced to do it, to bring it in. We are told to vote for the second reading and go into Committee, inasmuch as there cannot be a more convenient assembly to undertake the framing of the details of a measure than the 654 Members of the House of Commons. Why, when a Cabinet of fifteen or sixteen Members want to construct a Reform Bill they find themselves too many for so delicate and difficult a task. They therefore appoint a Committee of three or four out of their number to frame a measure for them, and then the Cabinet discuss it. But is it so easy to alter this Bill? You have only to begin, we are told, at the beginning of the first clause, and, omitting all the words after the word "That," to substitute something of your own, and so go on expunging and adding throughout the whole of the measure. Mind you, we have not yet had it clearly stated to us what the Government hold to be the principle of the Bill, and we don't know which of the two parts of the noble Lord's Resolution they think would be fatal to it. But we are to go into Committee, not to modify the details, not to insert £6 instead of £10, or to alter the proposed system of voting papers, but to remodel the entire structure of the measure. In truth, what we want is to gut the Bill — to take the whole inside out of it, and replace it by something else. There is nothing easier than to pull down; but if you gut a house, and wish to substitute some different interior arrangements, do you not send for the original architect? or, if you do not do that, would you think of turning 654 workmen loose into it, and telling each of them to try and rebuild on some plan which he thinks most conducive for its improvement? It might not be difficult for my right hon. Friend, with his cleverness and acuteness, to frame an excellent Bill if he were left alone; but would he be the only man to make proposals? There are many Gentlemen behind me—above all, there are many Gentlemen whom I see opposite —who are bent on "improving this Bill off the face of the earth." Do you believe it would be possible to do it? Let me say this:—I, for one, would not subject the Government to the humiliation of such a proceeding. But is it faction in us to ask that the Government should withdraw a Bill constructed upon a principle distasteful to that (the front Opposition) part of the House—distasteful, also, to this (the Opposition benches below the gangway) part of the House, and—if we are to judge from what we have heard here—not very palatable to some of their own friends behind them? I ask the Government publicly, as some of their warmest supporters have asked them privately, to withdraw this Bill, and introduce one based upon simpler, older, and safer principles. I have stated, inefficiently it may be, but I believe fairly, the views of the moderate and, as I think, the larger portion of this House, as to what they want and what they do not want in respect to reform. I have stated the objections we entertain partly on Liberal and partly on Conservative grounds against the new scheme of representation proposed by the Government. I have said I lamented that this subject should have been brought forward by a Conservative Government. At the same time they have proposed it, and I think they are now the proper persons to carry a measure of reform through. I have stated that the very discrepancies of opinions existing on these benches ought to prove to any rational man that we are not seeking party advantages or party objects. I have told the Government humbly for myself what sort of a Bill I would support, and I say that, coming from them, I will give it as ardent a support as if it came from the warmest political friend I possess. I have no intention of thwarting or embarrassing them if they produce such a measure: I shall give them, on the contrary, every assistance in my power. I cannot say whether the Government may have other reasons for declining this task. They may find their position irksome from the loss of two of their most valuable and honoured colleagues. There may be differences of opinion among them, and considerations that may make it desirable for the comfort of individual members among them that they should retire. These things I can't know, and I make no guess. But I should deeply regret if they allowed feelings of that kind to interfere with higher duties and considerations of a public nature, and prevent them from endeavouring to carry what they have themselves proposed to effect—a moderate and safe reform—and to pass it through this Session. This Resolution is aimed, no doubt, against what I apprehend is a great principle of their Bill—namely, the uniformity of the county and borough franchise. I do not inquire what may be admissible in the way of amendment of details. I say your principle is new to this House, new to the country, and new to the Government themselves. They cannot have any great affection for a scheme which has been familiar to their minds but for a few weeks. They have not hit the public wishes, nor the wishes of this House. I ask them again, therefore, to look upon this Resolution as an indication of what it is that this House objects to, and what it is that it wants. When you speak of the two sections of a great assembly like this, there must, no doubt, be many men on both sides occupied with party objects, and animated by party spirit; but the great majority of this House, I am persuaded, think it of far more importance than any change of Ministry that the country should be satisfied. I am not one of those who attach so much importance as many do to the formation of particular Governments or to changes of Government. I have seen many changes of Government, and small change in the conduct of public affairs. But of this I am certain, that even if you impose on us a change of Ministry, very inconvenient and much to be deprecated as that may be, we have a stronger attachment to the constitution of the country than to allow personal feelings, and considerations of convenience, to influence us in the settlement of a grave question like this. Some years hence what man will ask "Who was Prime Minister in 1859?" But who will not ask "What is the constitution under which we are living? Is it one which secures to us the benefits which our fathers enjoyed? Is it one which will enable us to hand down to our children the blessings of liberty which we enjoy ourselves?" That is the question that will be asked; and I support this Resolution because it is a clear, unmistakable notice to the Government that the proposal they have now made will, in our opinion, conduce neither to the one nor to the other.

THE SOLICITOR GENERAL: If I were to say, Sir, of the Amendment of the noble Lord the Member for the City of London that it tends to confuse and embarrass the House as to the issue upon which it is to decide, I should perhaps only be saying that the Amendment accomplishes the object for which it was designed. But that it has this effect, a more signal proof could not be given than the speech of the right hon. Gentleman who has just sat down. If the question which you, Sir, have put from the chair means anything, it means this—that the House of Commons thinks it expedient to pass by and supersede the question of the second reading of this Bill in order to affirm an abstract Resolution upon two isolated provisions of the measure. The right hon. Gentleman is going to vote for the Amendment; but what has been his argument? We have heard from him a very interesting treatise—everything which falls from the right hon. Gentleman is interesting—upon the precise manner in which you ought to reply to an invitation to a ballot dinner; upon the still stronger terms in which you ought to refuse to hear high mass; upon the principles of party government; upon the history of the Bill of the hon. Member for Surrey (Mr. Locke King); upon the principle of uniformity which he says is contained in this Bill; and upon the advantages which he thinks are to be derived from the existence of small boroughs: but not until the close of the speech of the right hon. Gentleman did we hear one single argument why all this might not have been said, and said just as well, upon the second reading of the Bill, or why the ordinary forms of the House should in this case be departed from. And then, when we come at last to know why the right hon. Gentleman was about to vote for the Amendment, what was his reason? He wishes us to reject the Bill and not to go into Committee; and he wishes to inform the country at large of the grounds upon which he rejects it. The right hon. Gentleman, who throughout his speech deprecated the departure from established practice, is about to do that for which no single precedent can be found in our Parliamentary history—he means to vote in such a way as not only to reject the Bill, but to show by the Motion made the reasons for rejecting it. But the chief objection of the right hon. Gentleman is to the principle of uniformity. He therefore wishes to inform the country that it is upon that principle that the Bill is rejected. But does the Amendment of the noble Lord contain one word about the principle of uniformity? Certainly not. Therefore, the right hon. Gentleman comes to the conclusion that, in order to inform the country of the principle upon which he opposes this Bill, he will vote for an Amendment that is entirely silent with regard to that principle.

I desire, if the House will allow me, to consider the propositions contained in the Amendment of the noble Lord, passing by, for the present, the motives which may or may not have led to its introduction. That Amendment naturally divides itself into two parts—that which relates to the question of the freeholds in boroughs, and that which refers to the lowering of the franchise in boroughs. As to the first, the Amendment of the noble Lord denies that it is just or politic to deal with it as proposed in this Bill. We may consider the question of justice first, because if it be unjust I will admit that it certainly cannot be politic. I disembarrass the matter for the present of what may be called vested rights, or the feelings of existing freeholders; and in the first place I ask the House this question—Where is it natural and just that a vote for a freehold situated in a borough should be given? What is the reason that you have boroughs returning members separate from counties? Why, it is this—that a borough has an interest to be represented separate from that of the county. Of what does the interest of the borough consist? It consists, first, of the personal interest of the inhabitants, and, secondly, of the interest of property within the borough. And if it consist in part of the interest of property in the borough, I want to know why freehold property within the borough is abstractedly to be dealt with on a principle different from that applied to any other property in the borough. Suppose I possess a freehold in the town of Liverpool and live in London. So far as that property is concerned are my sympathies and interests involved in the welfare of Liverpool or in the welfare of the county of Lancaster at large? In every question of Imperial legislation which may affect Liverpool that freehold must be more or less interested. It is in questions which affect Liverpool, and which the Members for Liverpool will have to consider as affecting their town, that the freeholders of Liverpool are interested. This may be familiarly illustrated by what occurred in this House not many years ago. A measure was introduced affecting the local dues of Liverpool. I need not argue the merits of the question, but if the Bill had been carried its effect would have been seriously to add to the burdens on property in Liverpool by the withdrawal of the local dues from the exchequer of that town. What was the other town that was most interested in that question? It was the town of Manchester, and its interests were strongly antagonistic to those of Liverpool. The property in both these towns, the freeholds in both these towns, were more or less interested in that question which was debated in this House. Both these towns are in the same county, and the same county Members represented the two boroughs, and it was to the Members for the two boroughs to whom, and necessarily to whom, the defence of the interests of the property within the boroughs was delegated. I ask this further question upon the same subject—What would be said if it were proposed that either a freeholder or an occupier outside a borough should vote for the Member for the borough in respect of his freehold or occupancy outside? We should all recoil from the proposition as one which was unjust and unnatural; but I want to know what difference there is between these two cases. Is it more unnatural and more unjust that you should allow the holder of property outside a borough to vote for its Member, than that you should reverse the process, and permit the holder of property inside to vote for a Member outside the borough? I go a step further, and ask how, in the case of counties, do you deal with the owner of a freehold who is at the same time the occupier of a £50 house, and may, likewise, have other franchises, such as copyholds, within the county? You tell him that he has only one vote for the county. But how do you deal with the owner of property inside a borough who has got a 40*s.* freehold and a £10 house, and may have other qualifications? You tell him, as you do not tell the man outside, "You may vote first for the borough in respect of your occupation, and then for the county in respect of your freehold." We are still upon the question of justice, and I ask, supposing you were for the first time considering this question, would any one stand up and say that this is fair and equitable? But that is not all. What did you do in the Reform Bill? The noble Lord is in the habit of referring to the Bill of 1832 as one founded in this respect upon every principle of justice; but what did that measure do with regard to the freeholds in boroughs which were above £10? Up to 1832 every one of those freeholds gave a vote for the county; but by that Bill you said that a freehold above £10 in value inside a borough, which was occupied by its owner, should lose its county vote, and merge into the borough. Therefore, after all, your principle of borough freeholders voting for counties only comes to this: those of between 40*s.* and £10 value are to vote for the counties, but if they are above £10 in value they lose the vote for the county even although the owner is not registered for the borough, because you say he may be so registered. We are still upon the question of justice only, and I ask if that question were now brought before the House for the first time would any one affirm that it was just to make this distinction between the two classes of freeholds? But I go further,—I want to know how it was that in the Bill of 1832 the provision with regard to the 40*s.* freeholders in boroughs voting for counties came to be preserved? Any one who will take the trouble to look back to the debates of that time will find that this occurred —it was uniformly protested against by Sir Robert Peel—it was frequently protested against by many eminent Members on the Liberal side of the House, among others by Mr. Cutlar Ferguson. What did not Lord Althorp say in defence of the proposition? He admitted that it was a very difficult question, on both sides of which a great deal might be said, and he defended the provision only on the ground that the Government desired to have for counties a representation of nothing but property, and for boroughs a representation of nothing but occupation. This was the only argument by which Lord Althorp could defend this serious anomaly, and this defence, of course, fell to the ground the moment the Chandos clause was introduced; and it is further weakened now that every one admits that you must go beyond that clause, and admit in counties a still lower qualification from occupancy So much, therefore, with regard to the justice of the case. Now let us come to its policy. The noble Lord and the right hon. Gentleman who has just sat down (Mr. S. Herbert) have both given us their reasons in point of policy. The noble

Lord's reason is this—he says that it is very convenient that these freehold voters should mix with the county voters, because they contain a very liberal element which you are about to take out of the counties. That might very well have been said in the way of accusation against the Government if such had been the result or the object of our Bill, but the very reverse is the case. I pass by the fact that the rights of existing freeholders are preserved, at least of such as desire to preserve them; but, I ask the House, is it not the effect of our Bill confessedly to put into the counties, for the first time, 200,000 voters, with respect to whom the noble Lord himself said, in 1857, that they comprised a body of men highly liberal, and whose insertion in counties would be productive of the greatest benefit? What is the argument of the right hon. Member for South Wilts upon the point of policy? He uses a most singular argument, for he says the freeholders are a remarkably independent class of men, and one proof of their independence is, that where they have double votes their employers make a bargain with them by which, in return for their borough franchises, they are allowed to do what they like with their county votes. The right hon. Gentleman also says—and here he speaks from experience on the subject—that they have the greatest pleasure in exercising their franchises in counties. I can understand, if I were a freeholder in South Wilts, that I should have great satisfaction in voting for the right hon. Gentleman; but I want to know if the intrusion of borough freeholders into counties be unjust in itself, how the personal desire of their owner can be a reason, when you are readjusting your franchise as a whole, for abstaining from doing what is right and proper? Nor, I contend, is there anything impolitic or harsh in the way in which we deal with existing interests. It is a principle well recognized in this House that when you introduce a measure which will have the ultimate effect of altering franchises you take care, whenever you can do it safely and consistently with your scheme, to preserve the rights of existing holders. Are there no precedents for that proceeding? The noble Lord well knows there are, for that is exactly what was done in 1832 in the case of what were called reserved franchises, and a precisely similar course was adopted in connection with the Irish Bill of the same date. We, in like manner, propose to preserve to all who desire to continue to vote in counties a right which the right hon. Member for South Wilts says they value so highly, as long as they enjoy the property to which the qualification is attached. But the noble Lord asserts that our proposal falls short of the exigencies of the case, because there are persons who have possessed their freeholds from the time of William the Conqueror, and who desire to continue them in their families; and yet, when the freehold devolves upon the son, the son will not have the right arising out of the same property. I certainly was surprised to hear that argument from the noble Lord, for at the time of the first Reform Bill he stoutly denied that there was anything in the franchise in the slightest degree in the nature of property; and, in one of his most celebrated speeches, the same position was maintained by Lord Macaulay. "I deny," said Lord Macaulay, "that the elective franchise is of the nature of property. I believe on this point I have with me all reason, all precedent, and all authority. This at least is certain, that if the proposed disfranchisement is founded upon robbery, the representative system which now exists is founded upon robbery." I take that as a sample of the arguments used during the whole of the reform debates by the noble Lord and his friends with respect to there being right of property in the franchise; and therefore I say, when we preserve to existing holders the right to their votes in counties we do all that precedent, or authority, or principle requires, and we fully satisfy the exigencies of the case. The noble Lord, however, objects to what he calls the principle of disfranchisement, and asks the House to affirm his Amendment upon that ground; but, let me ask, what has the noble Lord himself done in this matter? What did he propose in 1854? He proposed by one stroke of the pen to disfranchise some 45,000 freemen in towns and boroughs; persons of whom it has been said by an eminent Member on the other side of the House that they comprise some of the most meritorious, most hard-working, and most deserving and independent electors in the country. What did the noble Lord propose to do in the same Bill with the voters in the boroughs which he intended to disfranchise? They amounted to between 40,000 and 50,000 persons, and wherever they possessed votes such as we are now dealing with, they were deprived of them by the Bill of the noble Lord. The noble Lord made no apology;

he preserved no rights—neither the rights of the freemen, which had been respected in 1832, nor the rights of the double voters; and yet he now calls upon the House, merely because he says the freeholders will be deprived of their double votes, to affirm his Amendment to the second reading of our Bill. But I trust the House will remember that, although in following the argument of the noble Lord I have used the term "disfranchisement," there is a marked difference between the cases I have mentioned and that which arises under the present Bill. In the cases I have mentioned the votes were put an end to, and were not to be revived; whereas in the present instance the votes are not extinguished, although I admit they are transferred from counties to boroughs, and the question whether they can be used will depend upon other considerations, just as the question whether you can exercise your right in respect of a freehold in a county depends upon whether you have another vote for that county. Let me here say a word upon another point, closely connected with what I have already stated—I mean the question of the residence of freeholders in boroughs as a condition precedent to their votes. The right hon. Member for Halifax (Sir Charles Wood) said last night that if we introduced the system of non-resident freeholders voting in boroughs and also the system of polling-papers, the result would be that the resident electors would be swamped by votes sent down by non-residents. Does not the right hon. Gentleman see that, if I am right in saying that there is nothing unjust in making these freeholders vote for boroughs, the rest of his argument is only an argument against polling papers? Now, no person ever said that polling papers were an essential part of our Bill, or that they did not form one of those subjects which the House might fairly and properly consider in Committee. Every one admits that they are convenient, many see difficulties in the way of working them out, and the question, upon the whole, is eminently suited for consideration at a subsequent stage. But, apart from polling papers, let us see whether there is any probability of freehold votes for boroughs being turned to an improper or illegitimate use. Is there at present any considerable manufacturing of votes in this country? When I say "manufacturing of votes," I take the term used by the right hon. Member for Halifax; but what I mean to ask is, is there to any considerable extent a planting down of voters in the hope that they will exercise their franchise in a particular way? Everybody admits that up to the present time that has not been done to any extent worth mentioning. There is one way, and one only, in which the manufacture of votes used to be carried on. It consisted in taking extensive premises in some borough, and granting rent-charges upon them in such a way as to get a number of votes out of one tenement. The present Bill provides against that case, and if further checks can be suggested they ought to be proposed in Committee. I have said so much upon the first part of the Amendment because the right hon. Member for South Wilts, with some unfairness, said that my right hon. Friend the Secretary of State, who had occupied the attention of the House for a considerable time, had not gone into it; but, having answered the arguments advanced on the other side, I must close with the remark that every one of the points which I have been considering ought to be discussed in Committee upon the Bill, and not upon the Motion for the second reading. I was amazed to hear the hon. Member for Devonport (Mr. Wilson) say that my noble Friend the Secretary for India had informed the House that they must take the Bill as it stands, and that no Amendment could be accepted by the Government. My noble Friend said and meant nothing of the sort. What he said was, that if you pass the second reading and put the Bill into Committee, the Bill would then share the fate of every other Bill that went into Committee; and if Amendments should be proposed it would be for the Government to consider whether they would accede to them or modify them. But it is not possible for the Government, until those Amendments are proposed, to state what course they will pursue with respect to any one particular Amendment. What my noble Friend also said—and what I repeat—is, that this Government will not, and I do not think that any Government which values its honour would, consent to take on the Motion for the second reading of a Bill, and not on going into Committee, an instruction as a pledge of the terms on which the second reading is to be passed. I say that the course of raising every question that can be legitimately raised in Committee is open with respect to this Bill; and to ask the Government to give pledges to the House before approaching the second reading is a step which has never been taken with respect to any Government in the history of Parliament, and I hold any Government tolerating such a proceeding unworthy for one minute to sit on these benches.

Now I come to the second part of the Amendment of the noble Lord—the part which relates to lowering the franchise in boroughs. Before approaching that subject I must observe that the Amendment of the noble Lord clearly admits that the noble Lord is perfectly satisfied with the extension of the suffrage outside the borough boundaries; and that has an important consequence. We all know perfectly well the nature of large and populous towns. There is a magic Parliamentary circle, and outside of that there is a considerable amount of building. There is a desire to escape municipal taxes by removing outside the boundary, there raising manufactories and building houses of a somewhat better kind, in which clerks and skilled workmen are found to live. Now, the noble Lord's Amendment admits that what we propose with respect to occupations outside the boundary is a fair and proper franchise; but if there be introduced withinside that magic boundary—it may be on one side of a street—the franchise proposed by the noble Lord, be it £4, £5, £6, or any other sum, I want to know how the noble Lord is to satisfy the man living on the other side of the boundary, to whom you give, and the noble Lord admits rightly, only a £10 franchise? All the eloquence of the noble Lord will not persuade the man living on the wrong side of the street that he is dealt fairly with in the distribution of the franchise. As long as men are endowed with common sense they will never rest satisfied at seeing those residing on one side of a street in possession of a £5 franchise whilst those on the opposite side of the street have the £10 franchise. The right hon. Gentleman who spoke last said that we were now touching the constitution of the country; that for 400 years this constitution had continued to take its present course, and the innovation now proposed had never been practised before. The right hon. Gentleman, speaking of the terms my right hon. Friend used, said the reasons he had heard he could designate as nothing but rubbish. It would be very unbecoming on my part to speak disrespectfully of any right hon. Gentleman, but when he speaks of the history of this country for 400 years, and its mode of representation during that time, I ask how long back does he date the right of voting in counties in respect of occupation? It is vain to tell us about freehold rights of voting prevailing from Henry VI. down to the present day, when at the time of the Reform Bill you swept away the freehold right as the sole test of county voting, and added to it the right of voting in respect to occupation. I could understand the argument if we were discussing whether it was right or wrong to continue freehold voters in counties; but that is not the question, and we have nothing to say to the history of the last 400 years, but only to the last twenty-seven years, and still more to the history of the last seven years, during the whole of which the cry has been for a reduction of the county franchise. Can you assign any reason, in principle or common sense, why the occupation on one side of the boundary should be more valuable than on the other? I tell you how this matter will work, for we have the light of experience to guide us. By the Reform Bill of 1832 you established an occupancy qualification of £10 in boroughs and £50 in counties, and the right hon. Gentleman who had just sat down has given us the history of what he calls the Bill of the hon. Member for East Surrey. Is there any doubt that for some eight or nine years you have had a continual agitation with the object of lowering the county occupation franchise to £10? The principle of the first Bill of the hon. Member for East Surrey was founded on the desire to assimilate the franchise in counties to the franchise in towns. In a division on the Bill, whether taken by surprise or not, the hon. Member succeeded, and in another year he renewed his efforts, when the noble Lord the Member for Tiverton was in office, and on that occasion he failed. The right hon. Baronet the Member for Halifax (Sir Charles Wood) had told a most singular story. He said that he voted against that Bill and communicated with his constituents, who were surprised at what he had done; but he explained the case, and showed them what would be the effect of the £10 county franchise, and they were perfectly satisfied. I do not doubt the powers of pursuasion of the right hon. Baronet, but still I doubt whether if he satisfied his constituents he satisfied his own conscience, because next year, when he had left office and sat on the Opposition side of the House, the Bill of the hon. Member for East Surrey was renewed, the title was altered, but the contents were the same, and the right hon. Baronet voted for it. I was amazed to hear the flimsy pretence alleged to-night that there were blanks in the Bill; for he well knows that these blanks were Parliamentary blanks only, and were filled up with "£10" in italics, and there was nothing in the Bill, good, bad, or indifferent but this—that a man might vote for the county in respect of a £10 occupation. But it may be said that the Bill might have been amended in Committee. Does the right hon. Baronet adopt that defence? Because if he does, I think it is fatal to his consistency in voting as he is going to vote on the present occasion. There was nothing in the Bill then before the House, but that one point, to which he had objected; and yet it is said that Bill might be altered in Committee. But the Bill now before the House is as capable of Amendment in Committee. The right hon. Baronet says he approves part of it, and yet he will not vote for the second reading, but will support the Resolution of the noble Lord. Now, Sir, I will not stop with the right hon. Member for Halifax, but I will also claim the vote of the noble Lord the Member for Tiverton, who, I find, said, with regard to the Bill of the hon. Member for East Surrey—

> "Gentlemen may say, and with truth, that although the Bill is a different one, and though it does not propose an assimilation of the borough and county franchise, yet the manner in which the blanks are filled up will attain that object. No doubt that is the state of the case, but those who, like myself, adhere to the opinion that it is undesirable and objectionable to assimilate the borough and the county franchise"—[May do what?]—"may vote for the second reading, with the intention of proposing alterations in the franchise that is intended to be established for county voters."

Well, that could be done with this Bill. The noble Lord went on—

> "And therefore, any one who contemplated a reduction in the rate of the county franchise may well and consistently vote for the second reading, reserving to himself full liberty of proposing in Committee the particular amount of qualification which he may think is best."

The question could not be raised in a better form, because the noble Lord, like the right hon. Baronet, objected to the whole of the Bill, but they voted for the second reading, intending to turn it into a different Bill in Committee. The right hon. Gentlemen no doubt satisfied themselves that was the proper course, but if there is such a thing as consistency I claim their votes for the second reading of his Bill. That was the course taken with regard to the agitation for the reduction of the £50 county franchise to a level of £10. It succeeded eventually; it was carried in this House. Not only was it carried in this House, but the Bill of the noble Lord (Lord John Russell) in 1854 proposed to reduce the county franchise to £10. Well, now it is said, "You may reduce the county franchise; but you must not have the same franchise in boroughs as in counties." What, then, is the consequence? We have seen one agitation bringing the county franchise down to £10. Apply the principle of not having a uniform franchise in boroughs and counties, and you must lower the borough franchise below the county franchise. Shall I say what will happen next? The next thing will be a repetition of that process. When the borough franchise is at £5, and the county at £10, you will have an agitation to bring down the £10 to £5. It may not succeed in one year, nor in two; but, after a time when right hon. Gentlemen have first voted against it and then for it, that proposition will be carried. But then will step in the objection against uniformity, and you will have to lower the £5 borough franchise. And thus we shall go on, after the fashion of what is called a Dutch auction, auctioning the counties against the boroughs, the boroughs against the counties, always adhering to this cardinal principle, and to that only, that the franchise in boroughs must be lower than that in counties. Where that will end I can imagine, but I am surprised that such a system should find favour with some hon. Members, who seem to approve it. The right hon. Gentleman who has just sat down has referred us to Sir James Mackintosh, who looked to a variety of rights of suffrage as one of the safeguards of the English Constitution. I accede to every word of the opinion of Sir James Mackintosh upon the subject. I also desire to see a variety of rights of suffrage; but that question is a wholly different question to whether the same occupation in counties shall confer the right of voting as it does in boroughs. If you want to see a variety of rights of suffrage, take the Bill of the Government, which, I find, contains no less than eleven varieties of suffrage. Surely that would satisfy even Sir James Mackintosh. But did Sir James Mackintosh say one word in the extract which has been read to us of there being any impropriety, any offence to the constitution, in providing that the same franchise in regard to occupancy should confer the right of voting in counties as it did in boroughs? [Mr. SIDNEY HERBERT: Different franchises in different places.] I accept that, and I say that will meet the franchises here laid down, because they are franchises which from their nature must be in different places. Some spring from freeholds, some from leaseholds, some from copyholds, some from occupancy; some represent personal property, some educational tests. That is what Sir James Mackintosh points out; because, of course, he did not mean mere difference of locality; he meant different franchises which by their nature would introduce different classes of the country to the right of voting: and that is what this Bill provides. The right hon. Baronet and the right hon. Gentleman who last spoke say that this is a system which must lead to electoral districts. I will tell the House my opinion upon that subject. I need not say that I desire as little as any man to see that system adopted here. I believe electoral districts are utterly at variance with and would be destructive of the system of representation in this country; but I also believe they are utterly repugnant to the tastes and wishes of any considerable body in this country. In my opinion that which preserves us, and long will I trust preserve us, from electoral districts, is that they are repugnant to the wishes of the country, and not because of any fancy difference between a £20 and £10 occupancy franchise; and if the right hon. Gentleman could convince me that the only protection against electoral districts was the maintenance in boroughs of an £8, or £6, or £5 franchise, and a £20 or £25 franchise in counties, then I say that will not save us from electoral districts for a single year. A bad fence is worse than no fence at all. If we are to have any protection against electoral districts, let us have one with a principle upon which we can argue, and not a mere difference of a few pounds.

Passing from that subject, I wish the House to allow me to consider the question of lowering further the borough franchise. I will put to the House this point, although it does not cover the whole argument, yet it has not been much touched upon and it is worthy the consideration of the House. A £10 franchise, or any particular number of pounds, appears at first sight an unbending and unvarying franchise; but is it so in point of fact? The noble Lord has told us that since 1832 the working classes of this country have increased in intelligence, in education, in everything which we all desire to see in conduct and manners. I entirely agree with that; but have the working classes altered their condition in no other way? No one who is not blind to what has been going on not within the last twenty-five, but even within the last fifteen years, can have failed to see that the working classes of this country have been not only growing in intelligence and education, but they have also been increasing in material prosperity. Wages have increased, employment is more regular, food is cheaper, taxes are lighter; and all these circumstances together have brought about this state of things,—that houses conferring a £10 franchise are now occupied by a class of men by whom they were unattainable at the passing of the Reform Bill. Although I do not desire to carry the argument to any unreasonable length, yet I say that the lapse of twenty-seven years, to which the noble Lord has referred, if accompanied by a progress of prosperity in the country, must naturally bring the franchise within the reach of a greater number, just as the recession of the country in prosperity would diminish the number entitled to the franchise. Now, it has been often asked of the Government "Why can you not trust the working classes, who you see and admit are advancing in intelligence and education?" My answer, which I give unhesitatingly, is this,—I trust the working classes fully, I trust their loyalty and patriotism; and I venture to think I trust them even more than the noble Lord shows that he trusts them, for it is somewhat singular that with all the boasted trust of the working classes I find that all who propose a diminution in the borough franchise come to some limit at which they say they are desirious of stopping, at least for the present. Now, I make no such limit. I do not trust a man in a £5 house and withhold my confidence from a man in a £4 house. I say I trust the working men of this country. I trust their loyalty and patriotism; but is it a reason, because I trust their loyalty and patriotism, that therefore I must give them all votes? ["Oh!"] The hon. Member signifies dissent. I have seen some publications, in which, among many other proposals, was one that women should be admitted to the franchise. Beyond doubt, thoroughly advanced Radicals and philosophers say there is no reason why a woman should not be admitted to a share in the representation

The Solicitor General

of the people. Now, I have no wish to see the franchise conferred on women; but if we are to lay it down as a rule that wherever you can trust loyalty and patriotism there you are to give the franchise, I do not see what argument you can raise against the admission of women within the electoral pale. I say, therefore, that you may allow to the working classes the possession of loyalty and patriotism, and yet at the same time may fairly say that the franchise ought not to be extended to them indiscriminately. I acknowledge no principle but this—namely, that we are bound to make our representative system one which will to the greatest degree preserve an equal, even, impartial balance between all classes in this country. I am perfectly willing to admit the working classes to their fair share in the representation, though not to more than their share; but if you lower the franchise considerably below £10—and I say "considerably" because, if there is to be merely an inconsiderable diminution, it is not what we are talking about—you introduce a body of men who by their very numbers are able to outweigh, to outvote, and practically to disfranchise every other class of voters in the kingdom. Now, I decline to do this, but not because they are the working classes. There is no class in the country to whom I would allow this undue share of power. I would not extend it to employers any more than the employed—to dwellers in counties any more than to dwellers in boroughs. I would not give it to merchants, tradesmen, or any other class. And I say, therefore, when once it is ascertained that the proposed alteration in our representative system would enable one class by force of numbers to outweigh the class above it, I feel bound, without further consideration, to reject any such proposition. These are my reasons for contending that the principle of the Bill which will make the occupation franchise the same in the boroughs and the counties is a sound one, and these are my reasons for declining to effect any considerable alteration in the borough franchise. But now allow me to ask this question,—Although we do not propose any alteration in the amount of the borough franchise, do we not in point of fact admit a very large number of the working classes to the enjoyment of the franchise? I desire to put this fairly before the House and the country, because it is much too serious a question to allow of any misunderstanding with regard to it. In the first place, when we admit the occupants of £10 houses in the counties, we admit not less than 200,000 electors. I do not say that these will all belong to the working classes; but when you remember the clouds of small houses on the outskirts of all the Parliamentary boroughs of this kingdom, when you remember the number of voters who will come from unrepresented towns, you will then perceive that a large proportion of these 200,000 electors will be more or less perived from the working classes. But, Sir, we do not stop there. As regards the borough franchise itself, by this Bill we open the borough franchise as it has never been opened before, and in a way which I think will prove of the greatest importance to the welfare of the working classes and to the extension of our representative system. Observations have been made on what is called the savings' bank clause, and upon the clause relating to the 40*s*. freeholders. Well, we provide two means by which any member of the working classes who is able to realize and save a small sum of money may procure the franchise; if he either makes a permanent investment in a small freehold or if he lodges his money in a savings' bank he may obtain a vote. We have no precise statistics as to the number who would derive a vote under the savings' bank franchise, and I confess I was lately much surprised to read the report of a meeting at which the right hon. Baronet the Member for Marylebone (Sir Benjamin Hall), when commenting upon this Bill before his constituents, was represented as saying "that the Bill was one of the greatest political frauds ever attempted to be perpetrated." Now, I know it is usual, especially when you are speaking to very popular constituencies, to use very broad and emphatic language in attacking an opponent; but I was anxious to know what was the ground for this very serious accusation, made by a gentleman of such gravity as the right hon. Baronet; so I read the rest of his speech, and the only point in the Bill to which he was reported as objecting was this savings' banks clause. The right hon. Baronet said he had sent to Newport, he had had a calculation made, and it was found that sixty people in Newport had £60 in the savings' bank, but that with one single exception all of them were either women or else had the franchise already, the result being that only one person in the place would be enfranchised under this Bill. Now, while reading these remarks I could not help thinking it would have been better if the right hon. Baronet had taken the case of the borough which he represents, and in which he was speaking, and had endeavoured to find out the number of dedositors there. I dare say, though, he had some good reason for taking the borough of Newport. But I wanted to discover what there was about this measure, although, perhaps, it may not enfranchise as many as were expected, which should render it "one of the greatest political frauds ever attempted to be perpetrated,"—because the House will allow that this is rather strong language. I looked back, therefore, to see what had been proposed before on this subject, and I found that the noble Lord (Lord J. Russell), in 1854, proposed a savings' banks qualification. The person entitled to the franchise was to have £50 in the bank, but he was to keep it there for two years, and was to reside one year more in the place where it was kept, so that after three years he would have the privilege of voting. Well, I thought if ours was a great political fraud, the scheme of the noble Lord would deserve still harder language. But on looking back I found that the right hon. Baronet took part in the debate. He was not a member of the Government at the time, but joined it a very few months afterwards; and he thanked the noble Lord very much for introducing the measure, his only objection to it being that it did not give half-a-dozen additional Members to Marylebone. Not one word did he say then about a great political fraud. I am sorry the right hon. Baronet is not here. [Sir BENJAMIN HALL: I am here.] I beg his pardon. I see he has changed his place. He has now taken his seat beside the noble Lord the Member for the City of London, and I leave them to settle the question of the difference between a £50 or a £60 savings' bank franchise, as creating or not creating a great political fraud. So much for the objections of the right hon. Baronet. But, now let me ask the House to consider this savings' bank qualification. An error has prevailed with regard to it, which may as well be corrected. It is said that owing to the limit upon the amount of deposits received it will require two years before a man can put £60 in a savings' bank. That is a mistake, because though £30 is the limit for a year, two days over the year will suffice to enable a man to deposit a second £30. This, however, is only by the way, and does not touch the essence of the measure. But, now remember that was said by an hon. Member last night. Speaking as to the operation of this savings' bank clause, he said there were in a particular town 1,200 depositors of £60 and upwards, a very great number of whom did not possess the franchise at all. I think that is a tolerably significant fact, and if we had the means of searching we should probably find that a very large number of persons all over the country would be enfranchised by means of this clause. What, however, I take to be the merit of this franchise is, that it encourages the working classes to display providence, forethought, frugality; and the very means by which they are obtaining the franchise, which it is supposed they desire, is thus in itself a kind of moral training which must reflect upon their conduct and welfare in the future, and must exercise a most wholesome influence over the working classes at large. There is a difference between this franchise and every other we have hitherto had. Tell a man that if he will only take a £10, £8, or even a £5 house he shall have the franchise, and you may be doing the very worst thing in the world for his interest, for you may be encouraging him to live in a manner which his earnings or his means do not justify. But say to a man, "It is your duty to lay by money for yourself in time of sickness, and for your family after your death, and at the same time you shall have this further inducement, for we will give you the right of voting, as though you lived in a £10 house," and you invite him to do that which must be beneficial to himself and his family, and which must tend also greatly to encourage habits of prudence among the working classes at large.

I have now, Sir, gone through the various points contained in the Bill of the noble Lord, and explained the nature of the propositions which we have laid before the House. But I cannot help thinking that I should altogether fail in the performance of my duty on this occasion if I were now to stop short and not to inquire what the practical object is which the noble Lord proposes by means of his Amendment to attain. His Resolution must clearly have been moved with some object, and we ought as sensible men to consider what the object is, and to form our opinions accordingly. Now, there are two conclusions to be drawn from the Amendment and the speech of the noble Lord. The first of those conclusions is, that he is afraid to meet this Bill on the second reading. The second conclusion is, that the noble Lord declines to tell us what measure he proposes to substitute for that which he condemns. Let me take the Resolution itself and dissect it. To what, let me ask, does it amount? It condemns two particular features in the Bill, and the inference to be drawn from that fact is this, that the noble Lord does not object to anything in the Bill, with the exception of those two points. ["No, no!"] I do not say that this is the case; but I have drawn, I contend, the logical deduction from the noble Lord's proposition. Well, I want to know if this be a fair interpretation of the views of the noble Lord and of those who are prepared to support his Amendment; because we are entitled, upon a subject of this importance, to know what those who oppose the Bill in its main features propose to substitute for it. In the elucidation of that point I thought we might derive some advantage from the sentiments of the noble Lord when a short time ago he was called upon to give expression to them upon this subject. There was not long since a meeting of the constituents of the noble Lord—for his constituents, like any other Members of this House, will meet and ask questions—and they desired to have the noble Lord's opinions upon the subject of Reform. It is, no doubt, an advantage to have a popular constituency, for you may correspond with them by letter when it is inconvenient to attend their meetings in person, and we all know that the noble Lord is fond of epistolary correspondence. At all events, he had recourse to it upon this occasion. An hon. Baronet, another of the representatives of the City of London, and an old and most respected Member of this House (Sir James Duke), adopted a different course; he went to the meeting, and, having done so, was reported to have addressed it to the following effect. He said, "He had felt it to be his duty to attend there that day instead of writing a letter." I do not know what that means. The observation was, however received with cheers, and the hon. Baronet continued:—

> "He felt it to be his duty to attend there that day in order that he might hear the sentiments of that great assemblage, for the guidance of his conduct in Parliament. He had done all in his power to promote the extension of the franchise, and he had hoped that Lord John Russell, or some other person, would have done them the justice of laying upon the table of the House a measure to supplant the one under discussion, in order that the Liberal party might see what they would be called upon to support when the Government scheme had been rejected. Such a course would have been straightforward towards the Liberal Members of the House of Commons."

Now, I cannot help thinking that there is a great deal of truth in the observations which the hon. Baronet addressed to the meeting, and I, for one, thought it was not an unnatural expectation to indulge in. But, although the constituents of the noble Lord had not been afforded the satisfaction of hearing him, yet I certainly thought he would, in accordance with his promise made in his letter to them, state his views upon this subject distinctly when it came under discussion in this House. But we now have the advantage of having heard the noble Lord's speech, and I ask what his views are upon some of the questions which appear to me to be involved in the consideration of this measure? Let me take, for instance, the question of the ballot, which I contend is involved in this discussion, not because it enters into the Bill, but because a large section of the Members of this House look upon it as a necessary ingredient in any scheme of Reform. I know what were the opinions held by the noble Lord in times past upon this question. I have often experienced great satisfaction in listening to his clear and explicit declarations of hostility to the ballot in this House. I want to know whether he still retains the same views with respect to it to which he formerly gave expression? I wish particularly to have an answer upon this point, because I find that a large number of those hon. Members who sit near the noble Lord below the gangway have attended public meetings, and have contended that, although they deemed the extension of the franchise in boroughs to be expedient, yet they did not desire to have it unaccompanied by the ballot. If, therefore, the noble Lord continues to maintain the sentiments to which he has so often given expression on this subject, I should like to know who are those Gentlemen sitting below the gangway on the opposite side of the House who can be reckoned on as his supporters in any scheme of reform which he may introduce? We were informed last night that the hon. Member for Walsall (Mr. Forster), told his constituents distinctly that the noble Lord and the hon. Member for Birmingham were, to use a popular phrase, "in the same boat, and perfectly agreed upon every subject." ["No, no!"] These are the hon. Gentleman's words:—"If you will wait till next week you will find that there is a perfect agreement between

Lord John Russell and John Bright." I beg the hon. Member for Birmingham's pardon for making mention of him in such familiar terms.

Mr. FORSTER said, that he had already explained that what he had said on the occasion to which the hon. and learned Gentleman alluded was that it was matter of common notoriety that the noble Lord the Member for Birmingham—he meant the noble Lord the Member for London — and the hon. Gentleman the Member for Birmingham were perfectly agreed as to the course to be taken with regard to the Bill under discussion; and that he had perhaps used the phrase that they would be found "sailing in the same boat," the translation of which was that upon a division they would be found in the same lobby. He had also stated, entirely on his own responsibility, that he believed the hon. Member for Birmingham participated in those feelings of confidence which at the present moment advanced Liberals were disposed to extend to the noble Lord the Member for the City of London.

The SOLICITOR GENERAL: I am obliged to the hon. Gentleman for the explanation which he has just given us, because I could hardly believe that the report of his observations which I quoted was correct. It is now, however, clear that the expressions which are attributed to him by the newspapers have been most accurately recorded. I now beg to repeat the question:—Have the noble Lord the Member for London and the hon. Member for Birmingham so completely agreed as to the course which they are to pursue as that they are to "row in the same boat," which interpreted means, it appears, that they are to be in the same lobby when a division is taken on this Amendment? If the answer should be in the affirmative then I should wish to learn upon what principle their compact is founded? Does it or does it not include the question of vote by ballot? If it does include that question, then I should like to know how hon. Gentlemen opposite who sit above the gangway can concur with the noble Lord in the course which he is taking? If, upon the other hand, it does not include the ballot, how, let me ask, are those hon. Gentlemen prepared to act who have told their constituents that any extension of the suffrage unaccompanied by the ballot would be a curse rather than a blessing? Will they vote for the Amendment of the noble Lord?

I now come to the subject of the redistribution of seats. We are all aware of that which the present Bill proposes to do in that direction. It takes fifteen seats from boroughs which possesses two. We also know what the Bill introduced by the noble Lord in 1854 proposed to do,—namely, to take away fifty or sixty seats. We are aware that the measure of the hon. Member for Birmingham proposes to affect a much greater number; I now forget how many. Now several hon. Members opposite in arguing this question upon the hustings have stated that the extension of the franchise without a redistribution of seats would be a farce and a sham. If that be so, and if the noble Lord the Member for London and the hon. Member for Birmingham are quite agreed as to the course which they are to take on the present occasion, I am anxious to know what part of their compact touches, and how it touches, this question of redistribution? It is but fair that the noble Lord should tell the country what he means to do in reference to this subject. I for one do not think the country is to be gulled by being being told that the hon. Gentlemen opposite are the champions of freeholders who have been handed down to us from the days of William the Conqueror. Tell the people boldly what you would do in this respect if you had power placed in your hands to-morrow. What seats would you take away? How would you distribute the seats so obtained? How many electors—no matter where they come from—would you deprive of their votes? In order to catch the popular applause you pretend that you are anxious to admit to the franchise some persons who have it not; but do not conceal the designs that you have upon voters who will be attacked, and whom, if you have the power, you will deprive of the franchise. But I ask another question,—What does the noble Lord mean to do with the borough suffrage? He has not told us. He says it is not the proper course to take in opposition to tell you what he would do if he were in office. But, at all events, I remember what was said by a right hon. colleague of the noble Lord—the right hon. Baronet the Member for Morpeth (Sir George Grey). Mr. Hume some years ago proposed in this House an abstract Resolution something like the Amendment proposed by the noble Lord. Mr. Hume did not specify the extent to which he would go; and what said the right hon. Baronet the Member for Morpeth? He said, "Before you take away the constitution we have, at all events let us know what you are going to give us in its place." Now, I say to the noble Lord, at all events let us know what you mean to give us in the place of this Bill, which you won't allow to be considered even on the second reading. But I do not want merely to know what the noble Lord would propose in its place. I want to know what probability there is of the concurrence of the country in any proposition that he might make. We have seen meetings upon this subject. I heard an hon. Member last night say that there had been meetings on every hustings in the kingdom. I do not think that is quite accurate. I have seen meetings, and I have seen a singular unanimity in them, because there has not been a meeting of which I have seen a report which has not terminated not merely in expressing an opinion on the Government Bill, but in going further, and calling for triennial Parliaments, for household suffrage, sometimes for manhood suffrage, sometimes for universal suffrage, always for vote by ballot. Well, I want to know which part of this extensive bill of fare the noble Lord, in his agreement with the hon. Member for Birmingham, has committed himself to select. It is only fair that we should know, because it is not many years since a passage of arms on this subject took place between the noble Lord and the hon. Member for Birmingham, which ended in anything but an amicable manner. I speak of the Motion that was made with regard to the extension of the borough suffrage. What did the noble Lord then say of the hon. Member for Birmingham, who then sat for Manchester as its Member? The noble Lord said this: He said, "What I have to find fault with in the hon. Member for Manchester and those who agree with him is, that they are so exceedingly narrow-minded. Set them upon the subjects upon which they are particularly conversant, and I listen with great admiration to their extensive knowledge and acute ability; but when we come to discuss large questions, such as concern the fortune of our empire, then I see they have intellect and understanding bound up in so narrow a round that it is impossible to get them to understand those great principles on which our ancestors founded the constitution of this country, and which we, their successors, humbly admire and endeavour to follow." That was the view which the noble Lord then took of the views of the hon. Member for Birmingham upon this subject. We have been told, and it has been repeated to us to-night, that now the noble Lord and the hon. Member for Birmingham are quite agreed as to the course to be taken with regard to this Bill,—quite agreed, I suppose, in every sense; agreed not merely as to this attempt to get rid of a Bill of this kind by an Amendment, but agreed as to what the consequences of that Amendment must be, and as to what the end of that must be of which this is only the beginning. Well, I ask for information. Many hon. Members have yet to speak. The hon. Member for Birmingham has to speak. I ask for information on the points I have mentioned —vote by ballot, redistribution of seats, and extension of the borough franchise. Specifically, I want to know what is the extent of the agreement between the noble Lord and the hon. Member for Birmingham. I think, as a House of Commons, we are also entitled to ask this question—What probability is there of support to the noble Lord and the hon. Member for Birmingham from the followers who sit around him on these points? The noble Lord may depend upon it that these questions will not be asked merely in this House, but they will also be asked in the country. The noble Lord appeals as a proof of his sincerity in his Amendment to his long-known and long-tried attachment to the cause of reform. We all know and admit the noble Lord's attachment to this great national and political question. But we also know that there is a form of the tender passion which sometimes developes itself in jealousy of any attention to the object of its affection from any other quarter. I think the noble Lord exposes himself to some misconstruction on this point. We have heard it said,—

> "Strong were his hopes his rival to remove;
> With blandishments to gain the public love;
> To head the faction while their zeal was hot,
> And popularly prosecute the plot."

Whether this is so or not I know not, but of this I am sure, that the country will ask—the country have asked already—what are the real intentions of the noble Lord; and what are the specific objects which he proposes to himself in meeting a Bill of this kind, not openly, not broadly, but by an ambiguous and almost irregular Amendment, which commits nobody and which means nothing that is precise. The people of this country have differed, and always will differ about Reform Bills, about theories of representation, about social and domestic legislation of every kind. But there is one subject upon which the people of this country are entirely agreed. They do not like anything which bears the least appearance of approaching to artifice, or—I must use a homely phrase—a dodge. They do not like it in business, they do not like it in politics ; but least of all will they admire it in a man who, at a time when the best interests of our country at home and our most peaceful hopes abroad demand all the patriotism, all the candour, and all the forbearance of a statesman, approaches the consideration of a great national question like this, not fairly to criticise, not boldly to reject, but to contrive a crafty and catching device, to confuse and, if it may be, to dislocate parties, and in that confusion and dislocation to secure his own political aggrandisement and private advantage.

Mr. WILSON offered some explanation as to his remarks on the fluctuating nature of the franchise of the freeholders in boroughs which were not understood in the gallery amid the impatience of the House.

Debate *further adjourned* till *Thursday.*

House adjourned at half-past
Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 23, 1859.

Minutes.] Public Bills.—2° High Sheriffs Expenses ; Edinburgh, &c., Annuity Tax.

HIGH SHERIFFS' EXPENSES BILL.

SECOND READING.

Order for Second Reading read.

Mr. DARBY GRIFFITH, in moving the second reading of this Bill, referred to the antiquity and dignity of the office, and to the extravagant expenses with which in old times it was burdened. Most of these were now done away with, and his Bill was directed to what remained. A Committee which sat in 1832 recommended that the practice of meeting the Judges should be done away with, and that the number of javelinmen should be reduced. In 1839 Mr. Hume introduced a Bill to reduce and define the expenses to which Sheriffs were liable : the Bill passed that House but failed in the Lords. Several other attempts had since been made to deal with the subject, but they also failed. Now, however, the position of the counties was entirely changed, for a rural police had been established in every county in England, and the javelinmen were less necessary than ever, except for the delight of little boys and the lovers of street pageantry. As the police were employed in Westminster Hall, he could not see why they should not be employed in the County Assize Courts. It was obviously a great anomaly that the Sheriff who sat on the same bench of justice with the Judge, was not only unpaid, whereas the other had a great salary, but was liable to be unlimitedly victimized by his brother functionary. It was impossible to say how far the Judge could push his notions of contempt of Court. He believed a Judge could fine the Sheriff for not having the windows of Court opened ; there had been instances where he had been fined for not having candles ready. The attendance of the Sheriff upon the Judge was intelligible in the old feudal times, when hospitality was practised on an unbounded scale, and when the Sheriff was the great man of the county, equal to the Lord Lieutenant of the present times. But this in the present state of things was completely altered. The inconvenience was so much felt, that clubs of gentlemen had been formed to bear the expense ; but these were mere private arrangements. Among other liabilities of the Sheriff he was responsible for the whole expense of elections ; and there was an instance of the last election of the Sheriff of Kent having been called upon to pay £150 for the share of the election expenses of one of the candidates—a man of straw, who refused to pay his share. It was also too bad that while the country threw upon the Sheriffs the disagreeable duty of executing criminals, it did not allow them more than one-third of the expense to which it put them. Thus, in a recent case in Wiltshire, the cost of executing an unfortunate man named Frances, had been £33 odd, but the country had only allowed about £12. It was said that this was an honorary office, but it should be remembered that no other honorary office or distinction in the state was imposed upon a man against his will.

Mr. SCLATER BOOTH seconded the Motion and expressed the regret he felt at hearing that the Bill was likely to be opposed in "another place" by a noble and learned Lord, who, though a liberal in politics, was by no means so liberal in other respects.

MR. SOTHERON ESTCOURT said, the hon. Member had mentioned a number of instances of hardships to which high Sheriffs were exposed in the execution of their duty, but not one of them was remedied by the Bill. The sole object of the measure was to relieve them of the obligation of engaging javelinmen to be in attendance upon the Judges. The wish of the House had always been to relieve those who were called upon to discharge, gratuitously, a public duty from any unnecessary expense, and in the present case, he thought there ought to be no more than was requisite to keep up the dignity of the Judges who represented the Sovereign at the assizes. Since there had been instituted in each county a body of police for the preservation of good order and peace, he had no sort of objection to substitute that organized force for the javelinmen. It was quite unnecessary to provide for the non-payment of fees to the Judges' servants, such payments having been illegal ever since the time of Charles II., he therefore hoped the House would pass the second reading; but when the Bill went into Committee he believed he should be able to show that a great deal of it might very well be omitted.

MR. CHILD said, that the clause last referred to would by no means be unnecessary; for he had only the other day been shown some accounts by a friend who had had to provide, amongst other things, 180 gallons of ale for the Judges' servants.

Bill read 2°, and *committed* for *Thursday*, 31st March.

EDINBURGH, ETC., ANNUITY TAX BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BLACK moved the second reading of the Bill, saying that he would reserve what he had to say in its favour until his reply.

MR. CUMMING BRUCE in rising to move the Amendment of which he had given notice, that the Bill be read a second time that day six months said, that the hon. Gentleman who had now for the second time introduced this measure, probably thought that the long speech he had addressed to the House last year was too fresh in the minds of hon. Members to authorize him in addressing to the House a twice-told tale; but he (Mr. C. Bruce) must trespass on the House, though he hoped not at great length, while he stated to them his reasons for opposing the further progress of the measure. First of all he regarded it as a measure of the most unblushing spoliation and robbery ever included in any Bill submitted to the consideration of this House. He had ever considered, and he believed the Legislature has ever considered, the Established Church of Scotland to be one of the most essential and fundamental institutions of the country; and therefore the first act of the Sovereign on ascending the throne was to give a solemn assurance that she will maintain the rights, privileges, and property of the Established Church of Scotland. But this Bill, if it should unhappily pass into law, would go to the direct annihilation of the Established Church as far as the City of Edinburgh, the capital of our country, was concerned. Such a measure could hardly obtain the sanction of Parliament without dealing a heavy blow and great discouragement to the whole Established Church in that country. Now, although he himself was a Dissenter from the Church of Scotland, and was from education and connection attached to that Episcopal Church, which the Presbyterian Church, in consequence of the will of a vast majority of the people of Scotland, had superseded. He was too much alive to the immense benefits which the Established Church of Scotland, by its pure and orthodox teaching of Christian truth, had conferred on his country to witness, without resisting it, any attempt to deal a heavy blow upon that institution. He remembered that the late reverend and pious Prelate, the Archbishop of Canterbury, when some reflection derogatory to the Church of Scotland was made in "another place," said that although he was a most devoted and attached member and minister of his own Church, thinking it the purest and nearest approach to the Apostolic model of Church Government, yet he could not but regard the Established Church of Scotland as "one of the virgins her fellows who bore her company." In the sentiment thus expressed he entirely concurred. But this Bill was an absolute repudiation of the principle of an Established Church, which he believed to be essential to the well-being, the peace, and the happiness of his fellow-countrymen. He opposed the Bill as one of the most positive and flagrant acts of injustice which this House could sanction. It was said that it was a great injustice to tax an individual for the maintenance of a Church to which he did not belong. But it must be remembered that this was a charge which, although it was paid by the individual, attached to him only in respect of the property which he possessed. The money is paid by the individual occupier, but it was in fact a burden upon property within the City of Edinburgh, and is an element between the landlord and tenant in the adjustment of rent. It is merely another form of paying a charge upon property which the State thought its duty to impose for the purpose of securing to all the poorer and humbler classes of the community the consolations and the instructions of religion. He opposed any attempt to interfere in this manner with the Church of Scotland, which he looked upon as being pre-eminently the Church of the poor. He did not stand there to advocate the claims of the clergy of the Established Church of Edinburgh; the hon. Member knew that they were strong enough to take care of themselves, and so he had exempted existing interests from the operation of his Bill. If he had not been well aware that they were quite strong enough to take care of themselves, he doubted very much whether the measure would have presented even this deviation from its consistent injustice. But the measure still contained the principle of spoilation as far as regards the future rights of the clergy of the Established Church in the City of Edinburgh; and therefore he for one must unhesitatingly oppose its further progress. The hon. Gentleman did not even pretend to offer any substitute for the tax which he would abolish. He might say that in this Bill he offered two substitutes. Why the Bill still proposed the spoliation of contingent rights and peculiar interests and the paltry semblances of a substitute for the funds which it proposed to substitute were tarred with the same stick as the original proposition. The void created by the withdrawal of the Annuity Tax was to be filled by seat-rents and the collection at the church doors. The remedy was worse than the disease. In the first place if they threw the maintenance of the clergy of the Established Church upon seat-rents, they at once strike a blow against the existence of a Church establishment; because, in that case those only would receive religious instruction from the Church who could afford to pay for it. He had no great faith in the efficacy of voluntaryism *pure et simple,* as applied to the support of religion. He did not wish to underrate the great advantage which Scotland and England had derived from the operation of the voluntary principle. It had done a great deal; but from the very nature of things it could not afford a sufficient provision for the religious teaching of the poorer class of the people. The Church of Scotland had not shown any dislike of voluntaryism as a principle coming in aid of, and working harmoniously with, the principle of an Established Church; and in these days, they knew that it would have been impossible for the Established Church to fulfil its duties as nobly as it had done, were it not for the voluntary liberality of her members. Within the last year or two a sum of £300,000—and contingently, he believed, a much larger sum—had been subscribed by members of the Established Church in Scotland for the purpose of supplying a deficiency in the means of ministering to the religious wants of the people. The Established Church, therefore, had shown no indisposition to call into its aid the voluntary contributions of earnest churchmen. He would, however, observe that in large towns and cities were persons had attended the ministrations of a clergyman whose teachings had gone to their hearts and their consciences, it was very natural that in removing to another parish they should wish to remain under the same spiritual advice and direction; and therefore he was desirous that a certain number of church seats should be subject to a rate; so that those parties might be enabled to secure for themselves a continuance of the same spiritual ministration. They could not, however, say, as the Bill of the hon. Gentleman did, that you will throw the maintenance of the whole Establishment on the pew-rents. The hon. Member would, by that arrangement, shut the doors of the church on the whole of the poorer portion of the population, and would dry up the springs of voluntary benevolence. He was informed that, on an average of the last ten years, the sum which the clergy in Edinburgh annually received from this tax was about £10,000; while, if the whole of their claim were strictly enforced, they would have received £13,000. That fact showed they have not acted in a very greedy and grasping spirit. The average sum which each of them receives amounts to very little more than £600 a year; but each of them would be entitled to £730 a year if their claim were strictly enforced, as it would have been but for their moderation, their Christian forbearance, and their desire to maintain peace. For the £10,000 a year which they receive, the hon. Gentleman would substitute seat-rents which only realized £1,700 a year. But, besides, these rents were already liable to charges for the decent celebration of public worship. He believed they were further charged with certain debts in Edinburgh; and if he had not been misinformed, a petition had been presented to that House from parties who hold that security against that act of spoliation. They had thus £1,700 a year offered as a substitute for £10,000 a year, and those £1,700 are liable to a variety of deductions on other accounts. But that was not the only substitute which the hon. Gentleman offered them in his generosity. He also proposed to give us the church collections. Now, he could conceive nothing more objectionable, nothing more cruel, nothing more unjust, than such a proposal. Those collections were at present vested in the Poor Law Board in Scotland who hand them over to the Kirk Session of Edinburgh for the relief of casual poverty—for the relief of persons who, from sickness or from any other passing visitation were unable to support themselves out of their own resources, while they were not on the poor roll, and were anxious not to descend into the class of regular paupers—persons who wished to maintain that independent character which used honourably to characterize his fellow countrymen of the humbler classes, but which he regretted to say did not now distinguish them quite as much as it did in former times. These people were peculiarly entitled to consideration and sympathy. The hon. Gentleman proposes by his Bill to take these collections as part of the funds which were to supplement the deficiency between £1,700 and the £10,000 a year which the clergy at present receive. The hon. Gentleman would probably tell them that this would be a very objectionable tax, that it gave rise to much ill-will and controversy, and that there had been cases in which clergymen had abandoned their claim rather than undergo the expense and inconvenience which would necessarily attend its enforcement. But he (Mr. C. Bruce) must say that the evasion of a legal obligation was far more discreditable than any attempt to insist on its fulfilment. He should like to know whether his hon. Friend came into court with perfectly clean hands in this matter. Had he paid all his annuity tax, or had he not? Was it a fact, as he had heard, that the hon. Member, thinking that example was better than precept, had refused during the last few years to pay his quota of this tax? If that were so, all he could say was, that for the first time in his life he should feel disposed to wish that his fate had not fixed him in the Highlands, and that he had been a minister of the Established Church in Edinburgh. In that case he should have felt great satisfaction in going into the comfortable well-furnished house of the hon. Member, into his well-stocked cellar, with its wines worth a guinea a bottle, and fit to be drunk in honouring the toast of "Up with the Council and down with the Kirk;" and then if it were in his power he would have marched him off to the House of Correction—and thus give him an opportunity of quietly reflecting on the injustice of his hostility to a lawful impost. An inquiry has already been instituted into this question. In the year 1849 Her Majesty's Government, of which the noble Lord, the Member for London, was then the head, appointed Sir John Shaw Lefevre to inquire into and report upon the annuity tax. In his Report he said:—

> "Moreover, although the impost complained of is a tax, and not a rent-charge vested in the ministers as an endowment, yet it is a tax which the State has guaranteed to the ministers and their successors for their benefit; and unless the rights even of their successors are dealt with in a spirit of justice and moderation, a feeling of distrust and insecurity will be created as respects other endowments, which will not be limited to the Established Church of Scotland."

That was truth and sound sense, and he could not but think that if that House should be unhappily advised to pass this most iniquitous Bill — a Bill setting at nought every principle of justice, everything like respect for the great principle of an Established Church—if the House should be induced to pass such a measure they would inflict a heavy blow against the security of all property. They talked of giving Parliamentary titles to land; but a Parliamentary title will not be worth the paper on which it is printed if they passed this Bill. A mob might one day rise up in Ireland, just as a mob was at present rising up in Edinburgh, to demand the repeal of the Parliamentary title to land, and if they passed this measure they would have a right to appeal in justification of their claim to your substitution of a nominal £1,700 a year for an actual sum of £10,000 a year. How did the title to this annuity tax arise? It was first given by a charter of Queen Mary, and was confirmed by James I. Certain lands were given for the maintenance of the Church in Edinburgh: and he should like to know what the Town Council of that City, who were the guardians of the property, have done with it; for it seemed to have vanished into air. The right to the tax was confirmed by a variety of subsequent enactments; and there was not one of those enactments which was not passed at the request and with the assent of the inhabitants of Edinburgh. It is said that the effect of removing this tax would be to increase the number of the congregation attending the churches; and certainly if it had the effect of filling the churches, it would be an essential improvement. He did not deny that there were circumstances connected with this tax which were important in themselves; and he should be very glad to give his vote and assistance in the passing of a measure which was really calculated to put this question upon a better footing. This Bill, however, did not do so; and, therefore, he could not support it. One of the most crying grievances alleged against the present system was the exemption of a certain privileged class connected with the colleges from payment of this tax, that class being above all others most able to pay it. He would say this much for that class, namely, that they had shown great willingness to give up their privileges, but only on two conditions; the first is, that the number of ministers should not be circumscribed, inasmuch as they conceive the present number to be insufficient, without voluntary aid, to discharge the duties cast upon them as a body; and the other condition was that their incomes should not be diminished below the present amount of £600 or £700 a year; and certainly in a populous city like Edinburgh, where the cost of living is far more than it is in agricultural parishes, it was not too much that in great and expensive cities like Edinburgh and Glasgow they should receive at least £600 or £800 a year. There were claims made upon them for charitable contributions of all kinds, they were subscribers to every fund for the benefit of the poorer classes, and it was to them that recourse was had upon every incidential occasion when assistance, pecuniary or otherwise, was required for the promotion of every good or benevolent object. And well did they respond to the appeal; for he believed there were not a few instances in which the clergy dispensed a very considerable portion of their income in charity. He said, then, that any endeavour to reduce the clergy of Edinburgh below the present rate of £600 or £800 would not only be unjust and impolitic in itself, but would be a positive injury to the lower and poorer classes of the population, who were so deeply indebted to the pious and estimable men who are called to the ministry in that city. He earnestly pressed upon the House not to pass this Bill, and by rejecting it to uphold the principle of the necessity of maintaining an Established Church in Scotland, not only for the instruction of the people, but for the benefit of the whole Dissenting body.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BAXTER said, his principal object in rising was to make an appeal to the Government for a candid and explicit statement of what they proposed to do with a view to the settlement of this question. In reference to what had been said by the hon. Member for Elgin of the hon. Member for Edinburgh and his refusal to pay this tax, in his (Mr. Baxter's) opinion the hon. Member for Elgin had given most conclusive reasons in favour of the second reading of the Bill. He told them that for the last two years the hon. Member for Edinburgh has refused to pay this obnoxious tax, and that therefore he was in considerable danger of being sent to the House of Correction. Was it not a strong argument in favour of abolishing this tax that a gentleman of influence and respectability was by reason of his strong conscientious objections to the payment of this impost, placed in such danger? It was a direct interference with rights of conscience to insist upon levying a tax so obnoxious as this to the religious feelings of a large portion of the community. He had listened attentively to the arguments of the hon. Gentleman against the Bill, and the first that attracted his attention was that it relieved the rate-payers of Edinburgh from a burden attached to their property, and which they ought to be called upon to pay. But the hon. Gentleman must surely have forgotten the discussions upon ministers' money in Ireland, and he asked, was not this precisely an analogous case? Yet the Legislature had relieved the rate-payers of the towns in Ireland from the payment of ministers' money, by an Act for that special purpose. The second objection of the hon. Gentleman was that the Bill offered no adequate substitute, and this was in fact the only argument which could be offered against the passing of the Bill. Various propositions had from time to time been made for the settlement of this question. In 1857 the hon. and learned Member for Leith (Mr. Moncreiff) brought in a Bill intended for the settlement of the question; but that Bill, though it was much more of a compromise than the measure now proposed, and much more likely to recommend itself to the hon. Members opposite, was received with no favour in the country, and met with opposition from all quarters, both from Dissenters and Churchmen. The consequence was that having neither friends nor advocates, it was withdrawn. The Bill of his hon. Friend the Member for Edinburgh, however, had friends. He was told indeed that it was not a Bill which was very likely to have the approbation or sanction of the House. But he took a very different view. Parliament might perhaps not be immediately disposed to pass a measure settling the question, but the hon. Gentleman opposite should remember that the hon. Member for Edinburgh was supported by the large body of the rate-payers, both in that city and Montrose—of course he would have the support of all the Irish Members whom he assisted to get rid of the ministers' money; and that, above all, there was a growing feeling in the mind of the people of this country that all imposts should be got rid of which tended to make this House the arena of religious controversy. Who were its opponents? The hon. Member for Elgin expressed the feeling of the whole party opposed to the Bill. It was opposed by the clergy and part of the laity of the Established Church in Scotland, who believe that this measure endangered the existence of their Church, and who believed that if it passed into a law no adequate provision would be made for the payment of the salaries of the clergy of Edinburgh, and who always talked as if there were a covert attempt on the part of the voluntaries to deprive the Established Church of its rights. Far be it from him to say a single word against the ministers of the Established Church, for not only did he believe that what had been said in their favour was entirely true, but that it fell very far short indeed of the praise which was their due. Still he conscientiously believed that if they passed this Bill—if they offered to the people the patronage of their churches—if they interested them in the revenues of the Church, by giving them the disposal of the pew-rents and the church-door collections, in a few years the revenue derived from these sources would far exceed that which they now obtained from this most obnoxious tax. The hon. Member for Elgin stated that this Bill would be tantamount to the annihilation of the Established Church, and that it was an attempt to introduce the voluntary principle in place of the present system. So far from that being the case, he (Mr. Baxter) looked upon it as bringing the voluntary principle to the aid of the Established Church. He believed that the Bill was very much one that would promote the union of the two principles of the advantages of which they heard so eloquent a description the other day from the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole)—the union which was no longer a theory in that House, but which had become an accomplished fact. He believed that under the arrangement which was now proposed, men of ability, zeal, and piety, would be far better remunerated than they were under the present system; and surely men who did not answer that description would, instead of being a source of strength, be a source of weakness to the Church of Scotland. For these reasons he had not the slightest hesitation in saying that he should vote for the second reading of the Bill now before the House. But he wished to make an appeal to the Government. There had been many discussions of late upon the subject of church rates, and they had been told on all hands, by the hon. Baronet the Member for Tavistock (Sir J. Trelawny), and by other hon. Members, that the time for compromising the question of church rates had gone by. In that sentiment he fully agreed, but he said that the time for compromising the question now before the House was not yet past—a compromise was now proposed by his hon. Friend the Member for Edinburgh; and he warned the House and the Government, that if that compromise was now refused, in a very few years the opportunity of compromising the question would have passed away, and they would find it in the same category as the questions of ministers' money in Ireland and church rates in England; it would force itself upon the attention of the House, and the abolition of the tax would be wrested from the Government whether they would or no. He understood that the Amendment would be supported by the Government; but he would ask them whether they were prepared to introduce or to support any measure upon the subject? If they had employed the recess in considering and perfecting a Bill of their own for the purpose of removing this tax, then he could understand the ground of their objection to the present Bill. It appeared to him that the tax was one which was exactly analogous to the ministers' money in Ireland, which had been abolished by an Act of the Legislature; and he held that it would be quite impossible that any Government should be suffered longer to imagine that the people of Edinburgh and Montrose would continue to submit to this impost in its present form. Nor did he believe that any hon. Gentleman would, in the year 1859, get up in that House and defend the principle of the tax. It was admitted, on all hands, that some remedy must be provided; and he wanted to know from the Government what remedy they proposed for the purpose of putting an end to this grievance. He could not for a moment imagine that they are prepared to abdicate the functions of Government, and tell us that though the tax was on all hands admitted to be erroneous in principle, fallacious in theory, and oppressive in practice, it should still be permitted to exist. The Government will do well to remember that although for a long time past peace and quietness had happily reigned in the northern part of the United Kingdom, yet there had been times in the history of Edinburgh when the existence of this tax had led to serious riots. He recollected the time when the magistrates of the City of Edinburgh, and the ministers of every church, were hooted through the streets by an excited populace, whose feelings had been aroused upon this question. It was a tax to which the principal citizens of the town were bitterly opposed. If the Government objected to the present plan of settlement, he was not wedded to any particular plan; and if they would produce a better, he should be perfectly willing to give it consideration. At all events, entertaining the most serious conviction that the time had come when a settlement of this question was imperatively demanded, he was not prepared to dissent from this Bill unless the Government could show that they were ready to submit a better and more effectual remedy for the evils complained of.

MR. BLACKBURN: I do not wish that what I may say upon this question should be taken as any expression of opinion on the part of the Government, and therefore I trust it will be considered only that of an individual. The subject has been very forcibly stated by the hon. Member opposite, but as it appears to me the proposition which has been brought forward by the hon. Member for Edinburgh is merely a substitution of another burden in place of entirely abolishing what is admitted to be a grievance on a great portion of the community. Does the town of Edinburgh propose to adopt the principle suggested by the hon. Member for Montrose if it be brought forward by Her Majesty's Government? [Mr. BLACK: "No."] There is this difference, then, between the hon. Member for Montrose and the hon. Member for Edinburgh, that what the hon. Member for Montrose would be perfectly satisfied with, the hon. Member for Edinburgh would strenuously oppose. And let me remind the House that the hon. Member in introducing this question has employed a very considerable amount of caution. He has not stated a single reason to induce the House to consent to his Bill. The Bill itself is a measure of the strongest character. It summarily deprives the Church in one part of the kingdom of property which it has always possessed; yet, nevertheless, the hon. Member has not thought it worth while to assign a single reason why it should be read a second time. He merely moved the second reading as if it were a matter of course. We all know that the silence of the hon. Member arises from no want of zeal in the cause. He has displayed zeal enough on other occasions, and I should therefore like to know how it is that he has not spoken in the same zealous manner to-day as that in which he writes upon the question. Not only does he write himself, but, owing to his intimate connection with literary men and printing offices of all kinds, he has been enabled to get leading articles inserted in various newspapers, calling upon all true voluntaries to come down and support him in obtaining the abolition of the annuity tax. Why was it, then, that he refrained from addressing the House upon the Bill? Is he afraid that his zeal would carry him too far, and that he would commit himself with statements which the House could not possibly support? It appears to me that that must be the reason of his silence, for I can find no other. As, however, he has not thought proper to address the Houses itelf, we must take his Bill, and endeavour to ascertain what it is that he proposes. Now, so far as I understand it, the Bill contains one simple proposition—namely, that as far as the town of Edinburgh is concerned, the citizens shall not in future contribute one shilling towards the support of any Church whatever. [Mr. HADFIELD: Hear, hear!] The hon. Member for Sheffield approves that proposition, and I can well understand the line he takes, inasmuch as the hon. Member wishes to abolish the Established Church in both kingdoms, and supports the Bill of the hon. Member for Edinburgh because he considers that it will be the beginning of the assertion of that principle. But does the hon. Member for Edinburgh wish us to regard his Bill in that light? Does he wish it to be considered as the beginning of the disestablishment of all the Churches in the kingdom, and the substitution of the voluntary system? If that is the real object of the measure, I think the broadest grounds ought to be laid down before the House could adopt such a principle. Let us look at the nature of the provisions of the Bill. It proposes the simple disendowment of the Church of Scotland, so far as the citizens of Edinburgh are concerned. The hon. Member for Edinburgh objects personally to contribute to the tax; but if there are any other persons outside Edinburgh who pay it at present, he has not the slightest objection to their continuing to pay it. The inhabitants of Leith may continue to pay it; the harbour dues of Leith may be applied towards it; and the sailors of Leith may pay it; but the payment in Edinburgh is to be discontinued, while the town of Edinburgh alone receives the benefit of it. Is that a principle either of equity or justice? The object of the promoters of this Bill appears to be not only to save their own money and pay nothing, but to take very good care that they keep everything they can get. If there is any property belonging to the Church in their hands they are to be continued in the possession of it. As I have just said, they not only want to pay nothing, but to pocket all they can get. The churches of Edinburgh are, however, to be maintained somehow; for I find in one of the clauses a careful provision that they shall be preserved—that is to say, I apprehended that their preservation shall continue so long as the churches of Scotland exist. Some years ago the Town Council of Edinburgh sold lands which were specially devoted to Church purposes, and having now spent the money they propose that they shall not be required to maintain the churches any longer. Yet the land which they sold was left for the express purpose of maintaining the Church. Here is another piece of Church property which the Town Council of Edinburgh also wish to keep to themselves. Not so long ago as the time of Queen Mary there was a church in Edinburgh called Trinity College church, of which many of us have heard before. As, however, some Members may not be acquainted with the history of the case, I may mention that a certain railway company, having occasion to erect a railway station in Edinburgh, found themselves compelled to take possession for that purpose of a plot of ground which formed the site of Trinity College church. Their proposals to take the land was, in the first instance, strongly resisted by the town of Edinburgh, on the ground that it was the site of an ancient and valuable church, and that it was still required to provide further church accommodation. The railway company's Bill was bodly opposed in Parliament, and after hearing the evidence of the hon. Member for Edinburgh, the Select Committee came to a decision which compelled the railway company to pay a much larger sum for the land than they would have paid under other circumstances, on the understanding that the money was to go towards the providing additional church accommodation in another part of Edinburgh. Upon the valuation of an architect, a large sum of money was handed over to the Town Council by the railway company, and the Bill was passed; the railway company thinking it perfectly safe to pay over the money to the Town Council, never dreaming that it would be misapplied. The sum to be paid was £17,000. That sum was paid, but from that day to this the Town Council has never rebuilt the church. On the contrary, they have made every effort to keep the money for their own purposes; and when called upon to rebuild the church, they endeavoured to place it in the worst situation which could possibly be found throughout the whole of Edinburgh. Some of the parishioners loudly complained, and applied to the Court of Session to see whether the Town Council could not be compelled to carry out the object for which they received the money. I am very happy to hear that a judgment has been given in the Lower Court by the Lord Ordinary, requiring the Town Council to apply the money, together with the interest, from the time they received it, to its proper object. The Town Council, however, have appealed against the decision, clearly showing that they are not only not content with the manifest justice of the case and a regular legal decision, but that any quibble they can interpose to prevent the proper application of the money comes quite readily to their hand. And what does the hon. Member for Edinburgh propose in his Bill? Does he propose to apply the £17,000 and interest towards the rebuilding of the church? On the contrary, his Bill will get rid of any obligation to provide for the maintenance of the churches of Edinburgh, and will enable the Town Council to retain possession of the money. We have not been favoured by the hon. Member with the reasons which have induced him to bring forward this Bill; but upon the face of it it is one of the most outrageous measures ever introduced into Parliament, and contains no principle of justice whatever. I say nothing whatever respecting the course which the hon. Member for Montrose is induced to take. That seems to me perfectly unobjectionable, and if the hon. Member for Edinburgh would rise and propose a substitute for this tax in the same manner as the hon. Member for Montrose, I have no doubt that he would be met in a proper spirit. If he will propose that a sum equal in amount to the sum derived from the annuity tax be handed over by the Town Council of Edinburgh, I am satisfied that the Government would meet his views and carry out his intentions. There are exceptions, no doubt; but the difficulty has always been that the hon. Member and those who act with him will consent to take nothing but their principle, their principle being that the property is to be taken away from the church, and no substitute given at all. But let the hon. Member rise in his place and say that he will meet the Government upon the terms which I have suggested, and I have not the slightest doubt that the question will be settled in the course of the present Session. In the meantime, as the Bill at present stands, I have not the least hesitation in saying that I shall give it the strongest opposition.

Mr. HORSMAN: I must express the disappointment with which I have listened to the speech of the hon. Member for Stirlingshire (Mr. Blackburn); and I think the House has great reason to complain of the manner in which the Government have met the Motion of my hon. Friend the Member for Edinburgh. The question is one with which we are all acquainted; it is one with the principle of which the House is quite familiar, and with the details of which several successive Governments, as well as several private Members, have attempted to deal. The same Bill was introduced by my hon. Friend in the course of last Session. And how was it met? It was met by my hon. Friend who has just sat down by a Motion which involved the rejection of the Bill, my hon. Friend, who was unconnected with the Government at the time, acting then on the part of the extreme opponents of the measure who entirely dissented from its principle. It was upon the ground of that dissent alone that my hon. Friend then opposed the Bill, and not by a cry which we used to hear in this House ten or twenty years ago, but which happily in the course of this Session has been unknown, and which of late years has been heard less and less every year. I can assure my hon. Friend the Member for Stirlingshire that I was extremely sorry to hear him put the question upon that low, unworthy ground that it was a pocket question. I sincerely hope that the Government will entirely repudiate that view, and that the House will neither assent to it, nor be led away by the unworthy argument that those who object on religious grounds to the payment of this tax care nothing for their conscience, and have only a regard for their pockets. I think that a Member representing a Scotch constituency ought to be the last to cast such reflections upon any hon. Member of this House. One would scarcely think that my hon. Friend the Member for Stirlingshire, who has lately taken office under the Government, can have forgotten that the very Government of which he is a member has, during the present Session, affirmed the principle, that a conscientious objection on the part of a member of one Church to contribute towards the support of another formed a valid claim for the remission of that contribution. I can hardly believe that my hon. Friend the Member for Stirlingshire could have stipulated on joining the Government that this was to be an open question—and would beg to ask what was the vote which he gave upon the question of church rates? The question of church rates is analogous to the question of the annuity tax. The analogy is complete in this way, that in the case of church rates, whether or not a man was a member of the Established Church he must pay the rates for the support of the Church, and the Government resistance to the proposal to abolish so unjust a tax having become fainter and fainter every year from the manner in which the opinion of the country has been expressed upon the matter, the present Government have this year come forward themselves and proposed a measure, in which they boldly avowed that the time has come when the imposition, in the shape of a church rate, should no longer be exacted. I suspect that my hon. Friend, the Member for Stirlingshire, voted for the second reading of that Bill; and I think we have some right to complain that when you lay down a principle in obedience with public opinion, so forcibly exemplified in the case of Dissenters in England, you should refuse to apply the same principle to the case of Dissenters in Scotland. I hope the Government will be prepared to say that the same principle should be carried out on one side of the border as on the other; and I think the House is entitled to expect that the principle of the Bill of my hon. Friend the Member for Edinburgh should be conceded on the present occasion. Three-fourths of the speeches of my hon. Friends the Members for Elgin and Stirlingshire were addressed to the details of the measure, and I am sorry that the Solicitor General for England is not here today. No doubt many who now hear me cheered the admirable speech which the hon. Gentleman delivered last night, and in which he told the House that if they objected to the details of a measure, the proper time to raise those objections was after the Bill had gone into Committee, and not upon the second reading. If my hon. Friend's Bill is allowed to go into Committee, that will be the proper time to deal with the objections which have been urged. I quite agree that there may be objections to some of the details of the Bill; but, at the same time, considering how that principle has been admitted in the case of church rates in England, I think we are fairly entitled to ask that those objections should be postponed until after the Bill shall have gone into Committee. My hon. Friend the Member for Edinburgh merely asks you, upon the present occasion, to affirm the principle of the Bill. Now, what is really the state of this Bill with regard to the House and the country? We have had various Parliamentary Committees upon it; various stages of legislation have been arrived at in reference to it; Bills have been introduced by one Government after another, and in every case they have been introduced with a great variety of attempts at conciliation; but those attempts have always failed on account of the inherent and undeniable difficulties which surround the question. You have had, year after year, complaints in Scotland, and, while you had attempts at legislation here, you have had excitement there. In addition, you have experienced such difficulties in levying this tax that you have been obliged to have the auctioneer protected by the police and by the military; and you have also had an evil which is especially deprecated—namely, the placing of the clergy of the Established Church in Scotland in that most cruel and trying position—a position which makes their case much more severely felt than in England or Ireland—the position of being themselves compelled to be the collectors of the tax. They are the parties at whose instance the executions are enforced; and there have been cases in which the venerated minister of a Dissenting congregation has had his goods distrained upon by an execution at the instance of a minister of the Established Church. I agree with what the hon. Member for Elgin has said as to the feeling of moderation which has existed in the Established Church in reference to the question, and I think that the hon. Member has probably understated the amount of the loss which the clergy sustain from the imperfect collection of the tax. But that only shows the difficulties of the collection, owing to the resistance of the people on the one side, and a natural reluctance on the part of the clergy to enforce their extreme rights on the other. If one party more than any other is interested in the passing of this Bill, I think it is the clergy of the Established Church, upon whom you impose the duty of levying their own tax, and I ask the House whether it is possible to devise a measure by which the clergy could be made more odious, less respected, or more unpopular. Such being the case, I think that the least the House can do on the present occasion is to pass the second reading of the Bill, and so far affirm its principle as to say that it treated of a subject deserving of the most serious consideration. I have heard with very great satisfaction, that the Government themselves contemplate the introduction of a Bill on this subject. The learned Lord Advocate, has perhaps, not been long enough in the House to give to this subject all the attention which it requires. I know the great pressure of public business, and the many measures he has to consider, and therefore I should not be surprised if he does not find himself in a position to introduce a measure which he can hope will prove satisfactory either to himself or to the hon. Gentlemen who are more particularly interested in the settlement of this question. If that be so, and the learned Lord could make a statement that the matter was under his serious consideration, with a view to introducing a Bill on the subject, I am sure such a statement would be favourably received by the House; and it would be most satisfactory, because I cannot for a moment believe that the Government will hesitate to sanction a principle with respect to Scotland which has been already sanctioned in England. I am quite certain that this is a question which will be far better left in the hands of the Government than in those of a private individual, and nobody has ever filled the office of Lord Advocate who is likely to deal with this question in a more dispassionate manner than the present learned Lord. I hope also, that if a statement to this effect is made, the hon. Member for Edinburgh will be prepared to take the course which the hon. Baronet the Member for Tavistock (Sir J. Trelawny) took, when the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) announced the intention of the Government to introduce a Bill upon church rates—namely, allow the Bill to be read a second time, on the understanding that it should not be proceeded with until the Government Bill has been introduced. I quite understand the difficulty in which the Lord Advocate must be placed; and if that arrangement which I have suggested be adopted, it will be quite consistent with the course taken by the House this Session in reference to the analogous question of church rates. It would be affirming the principle laid down, that it is wise to settle these questions in a conciliatory spirit, and it would show the desire still exists which of late years has been laudably evinced on all sides of the House, that the discussion of these religious questions should not be accompanied with the same ill-feeling and display of sectarian bitterness which distinguished their discussion upon former occasions. I say, Sir, that the removal of these causes of heart-burnings and heats will be more conducive to the interests of the Church than any advantage which could be obtained from ten times the amount of a pittance paid in violation of conscientious scruples. I believe that the feeling of the House, that the Government will deal fairly in this matter, will not be disappointed, and I can imagine no more satisfactory course than to allow the Bill to be read a second time, with the understanding that it shall not go into Committee until after the introduction of the Government measure.

MR. A. STEUART said, although he had on the previous occasion voted in favour of the abolition of the tax he should not vote for the second reading of this Bill. He believed that neither the Government, nor the hon. Member for Stirlingshire, had shown any indisposition to meet this subject in a fair and conciliatory spirit, and he considered that it was not a question which ought to be settled on the plan suggested by the hon. Member for Stroud (Mr. Horsman) but was one which ought to be dealt with on the responsibility of the Executive Government. If they admitted the voluntary principle only for the support of the church, in respect to the chief town of Scotland, he could not support the measure, and he had voted for it on a former occasion merely in order that some amicable settlement might be arrived at. The House would remember that when the proposition was made by the right hon. Member for Cambridge University to settle a similar question in England, no disposition was shown on the part of the Opposition to listen to the compromise which was offered to them, and he did not see why, believing that if this question were left entirely in the hands of Government it would be satisfactorily settled, he should be called upon to support the second reading of this Bill.

THE LORD ADVOCATE: Sir, I am quite willing to obey the call of the House upon this occasion, and hon. Members may rely upon it that I am not going to insinuate, in the remotest degree, that the opposition to this Bill is anything but worthy of it. I am too well aware of the highly conscientious character of the Scotch to be surprised at the objection which is felt upon the part of many persons to this impost; nor would I for one moment impute that that opposition is an improper one, or caused by motives of which any one could feel ashamed; on the contrary, I believe that the opposition is based upon the most conscientious motives. At the same time, it is impossible to suppose that everybody is influenced by conscientious motives in refusing to pay it; because, no doubt, considerable numbers of the ratepayers take the opportunity of the conscientious objections of others to escape payment of the tax. On the other hand it should be recollected that there are many who pay the tax without objecting to it, or whose objections, where they have any, are confined to the mode of collection. This is a question which has, on several occasions, occupied the attention of successive Governments. It has been made a subject of inquiry by a Committee of this House; and it has been inquired into by a Commission issued by the Government. Bills have been introduced by predecessors in the office which I have the honour to hold, so wise and so distinguished by their learning and their knowledge, that it did make me timid when I contemplated the necessity of dealing with it. Still it was a question which I felt ought to be settled; and it was impossible, upon assuming the office I now hold, to shut my eyes to the fact that it was my bounden duty to deal with it. With this feeling of the difficulty of the subject I prepared a Bill which is in print, and which I brought with me to London in order to obtain the consideration of the Government upon it; but more recently the measure has been under the consideration of the Government; and I am entitled to say—a statement which will be satisfactory to many hon. Gentlemen—that the general principle of the Bill, which I hope ultimately to introduce, has been all but agreed to, and that ere long I may be allowed to proceed with the Bill. At the same time, as was stated by the right hon. Member for Stroud (Mr. Horsman), there are many points connected with the Bill which still require my serious consideration, and, therefore, I cannot very well at this moment undertake to state the principle upon which the Bill will ultimately be founded. However, I can promise this, that I shall endeavour, with due regard to all the important interests concerned, to place matters upon such a footing, that if the Bill of the Government does not satisfy the strong views which I am aware my hon. Friend the Member for Edinburgh (Mr. Black) entertains with respect to the working of the voluntary principle, that it will satisfy a large portion of the Members for Scotland. And now, Sir, with respect to the Bill which we are here this day to discuss, the Bill of the hon. Member for Edinburgh: I cannot say that I am prepared to assent absolutely and unqualifiedly to the principle upon which that Bill proceeds—namely, to the principle of the total abolition of this annuity tax upon the citizens of Edinburgh; or, in other words, I am not prepared to give a second reading to this Bill without knowing, when we abolish the annuity tax, in what way a substitute is to be provided for it. I say myself, therein quite concurring with the hon. Gentleman, that this tax is levied in a most unpopular way. Still I cannot vote for the principle of this Bill merely upon that view of the case; for I hold the principle of the measure to be completely identified with that which we have yet to consider—namely, the substitute that is to be provided for the maintenance of the clergy of Edinburgh. Without having a certainty upon that point, I should be loath to commit myself to the absolute abolition of the tax. And that brings me, Sir, very shortly to consider the proposal which this Bill embodies. I cannot in my own mind separate the first part of the Bill from its subsequent clauses. Sir, this tax was first imposed in Edinburgh in the year 1661, and previous to that period, as the hon. Member knows, there had been made by the Crown various grants of property to the city of Edinburgh—property which originally belonged to the Church—that is, before the time of the Reformation. Those grants were made for the support of religion, of education, and of hospitals in the city. But, without stopping to inquire how that property was disposed of, some part of it reverting to the Crown, a large part of it allocated to the endowment of the University of Edinburgh, and another part of it continuing to be held by the Corporation, I may state that in he year 1661 the property in the hands of the Church appears to have become insufficient for the support of her ministers. Under these circumstances the statute of 1661 was passed; and I may here affirm, having regard to the argument which undoubtedly the hon. Member for Edinburgh will use, that the statute of 1661 has a most material bearing upon the question we are now discussing, as showing the groundlessness of his assertion that the Act of 1809 perpetrated something like a fraud upon the citizens of Edinburgh. [The learned Lord then read an extract from the statute of 1661, ordaining that the property of the city of Edinburgh was to be liable to a charge of 6 per cent upon the rental for the support of the clergy, and continued]—Now, Sir, I have to submit to the House—and I request the attention of my right hon. and learned Friend opposite (Mr. Moncreiff), whom I am happy to see in his place—to the terms of this enactment. It appears to me that this 6 per cent was a payment to be made for the support of the ministers of the Edinburgh churches by the whole of the citizens. That, I take it, was the undoubted object of the statute, and indeed it is evidenced by the Report of the Select Committee of 1851 that for 95 years subsequent to the year 1661 the 6 per cent was drawn for the purpose by the Corporation of Edinburgh—that it was insufficient to maintain the clergy—that they were consequently relieved out of other property, namely, the general fund of the town—and that beyond the 6 per cent the clergy received something in addition. However, coming down to a period of about fifty years ago, the Town Council of Edinburgh, in consequence of the great increase in the rents of property, seem to have derived from the 6 per cent more than sufficient to pay the clergy—and for a series of years they went on paying increased stipends to the ministers, so that while in the year 1705 only a stipend of £108 was received, in the year 1809 the stipend had risen to £138; and where, in other instances, only £100 a year was received, the stipend was then increased to £330 per annum. It was certainly true that the clergy of Edinburgh had not during that period called upon the magistracy of the city to pay over to them the whole of the 6 per cent; but undoubtedly had the clergy asserted their right to it, the whole of the 6 per cent must have been paid over to them. Previous to the year 1809, several statutes had passed extending the royalty over other districts, and in that year, in order to remove all doubts, a statute was passed, authorising the levying of the 6 per cent over the whole of the city, comprehending the new royalty. Now, my hon. Friend has stated, and no doubt he will state again to-day, that the last statute imposed certain new burthens in respect to this tax. To my mind, however, the statute of 1809 did no such thing. So far as the 6 per cent was concerned, the object of the Legislature seems to have been throughout, that it should be payable for the maintenance of the clergy. Therefore, the statute of 1809 made no difference whatever in the principle of things. The tax was to be appropriated precisely as before; and certainly it was never for one moment contemplated that the proceeds were to go into the common burgh fund. And although the citizens of Edinburgh may not have paid the same attention to Acts of Parliament in those days which they do now, yet it was an undoubted fact, well known at the time, that the clause of the statute of 1809, to which he had just referred, was adjusted between the clergy and the Town Council; in a word, that the Town Council were perfectly aware of what was being done. Under these circumstances, I think it cannot be said—indeed, in any case it was rather a doubtful argument to use—that what Parliament did in 1809, in extending the tax, amounted to a grievance upon the citizens of Edinburgh. The statute of 1809—to repeat what he had already said — did nothing more than extend the area over which the tax, as leviable under the original statute of 1661, was to be assessed. Now, if I understand the object of my hon. Friend the Member for Edinburgh, as embodied in this Bill, it is to abolish the tax out and out, without the providing of any substitute. I know, however, that there are many hon. Members who do not go along with my hon. Friend in that view. And the principle upon which the defence of the tax must rest is that, should it be abolished, the clergy will be left without a maintenance, save and except the substitute provided by this Bill. Let me direct the attention of the House to what that substitute is. The Bill proposes the seat-rents should be leviable for the support of the clergy. Now, I must entirely object to that principle when carried out to the extent contended for by the hon. Member. In my opinion seat-rents are not leviable at all on the true principles of an Established Church. I do not deny that in towns like Edinburgh—where, as was very pertinently remarked, some of the population are continually migrating from one church to another—certain seat-rents may be levied — but to make an Established Church, or indeed any church, solely dependent on such a source of revenue, was wholly out of the question. To look at actual facts. Take the case of the City of Edinburgh. The City of Edinburgh is composed of two parts, namely, the New Town and the Old Town. Now, the Old Town is densely filled with a poor and squalid population; and supposing that you have a minister there conscientiously doing his duty, and endeavouring to bring the poor to attend his church, what is the result according to this Bill, which declares that every minister is to receive a stipend in proportion to the seat-rents in his church? Why, the minister, conscientious and duty-observing, who goes about among the narrow squalid lanes of Edinburgh to gather in a congregation, is actually impoverishing himself—is depriving himself of the means of existence by so doing. In short, under this Bill, if such a man would support his wife and his family, he must do exactly the reverse of that which he is doing, in searching for a congregation amongst the poorest and most squalid of the inhabitants. On the other hand, the clergy will be open to great temptations to court popularity instead of inculcating moral truths; and in the richer parts of the city they might be induced to preach to a certain class. Therefore, upon every ground that proposal of the hon. Member is objectionable. Then, as the other mode by which it is proposed to provide a substitute for the ministry. I am quite sure the House will never countenance that. It has been the universal custom throughout Scotland for the plate to be handed to everybody entering a church to raise a fund for the support of the poor. The statute, the 8 & 9 *Vict.*, which regulates the provisions made for the poor of Scotland, imposes a tax for that purpose; and it is further provided in the Act that, in any parish where there is an arrangement for the relief of the poor, the church door collections above alluded to shall be placed at the command of the Kirk Session. The collections have to be accounted for to the Board of Supervision, which looks after the interests of the poor, and sees that the fund is appropriated to its proper purposes. The fund, however, does not go to the use of the parochial poor, but is administered by the Kirk Session; and I believe that no fund allocated to charitable purposes is better administered. From the report of the Board of Supervision, just published, I gather that, at the church of St. Andrew's, Edinburgh, the collections for the last year at the doors amounted to £215 6*s.* 8½*d.*; while the expenditure on the poor consequent thereupon amounted to £215 6*s.* 6*d.* From another church the return is £125 19*s.* collected, and £83 expended; from another £169 6*s.* collected, and £168 expended; from another £124 10*s.* 2½*d.* collected, and £124 10*s.* 2½*d.* expended; and so on. Now, Sir, that fund so collected at the church doors is employed for the relief of persons who are not entitled to relief from the poor fund. For, as is well known to the House, the able-bodied poor in Scotland are not entitled to relief. The fund is administered by the Kirk Session, and any one who frequents a church may have it in his power to go to the poor man and relieve him in sickness. And certain it is that in that way an enormous amount of good is done. But, Sir, if the Bill of the hon. Member was to pass, and if it became known that this fund was to be given up to the payment of the clergy, at once the sources of this contribution would be dried up altogether. I think, therefore, that the proposal of the hon. Member is one which ought never to be conceded. But, as I said in the outset, while I cannot accede to the proposal that the Bill should be now read a second time, I would suggest, if it should meet the convenience of the House, that the Bill should be allowed to stand over for a certain time until it is in the power of the Government to state more explicitly the exact remedy which they propose for the relief of the city of Edinburgh.

Mr. MONCREIFF: Sir, I am much gratified to hear the announcement of my right hon. Friend that it is the intention of the Government to introduce a Bill with reference to this subject. However, I do not rise for the purpose of entering into the discussion of the details of the question, but to make an appeal to my right hon. Friend not to persist in his opposition to the second reading of the Bill, but to allow it to pass on the understanding that the whole question will be more maturely considered hereafter when the Bill of the Government shall be likewise before us. I do not intend by my vote of to-day to bind myself to the details of the Bill; of its principle, however, I do approve, and believe that the annuity tax ought to be abolished; and I have been myself instrumental in introducing more than one measure for that purpose. Now, I appeal to my right hon. Friend, that having this Bill before us, and having nothing to set against it, that we should, at all events, get into Committee on the Bill; for really the only point for discussion is not whether the annuity tax should be abolished, but what is to be substituted for it. Undoubtedly there may be great difficulties under that head, and certainly I for one am not prepared to follow the hon. Member for Edinburgh to the full extent of his

Bill. At the same time, I cannot forget that every proposition hitherto made has been met and opposed by the Gentlemen occupying the benches opposite, and by the representatives of the Established Church in this House. I heard with regret the observation of the hon. Member for Elginshire (Mr. C. Bruce), which imported that every one who did not coincide with his views in this question was not a sincere friend to the principles of our Established Church. Now, I would beg leave to warn my hon. Friend that those who had taken the same view that I have done of this question have turned out to be the truest friends of the Established Church. And, therefore, it is not in the interests of the opposition to the Establishment, but rather in the interests of its friends, that I would have this question fully considered. My right hon. Friend referred to the Act of 1809, as having been passed by the Town Council representing the people and the clergy of the City of Edinburgh. Now, I do not much care to go into that question, but it is rather a strange figure of speech to say that the Town Council in these days represent the people of Edinburgh. Why, the fact is, they represent nobody but themselves — that they elect themselves, and represent themselves. But I do not deny that, as the Act of Parliament now stands, the clergy of Edinburgh have a right to this payment. At the same time I also think that, looking at the feelings of the people on the subject, and that this question stands exactly upon the same principle as the question of church rates and ministers' money, and without holding that there is anything in the payment of the tax which ought to interfere with the conscientious scruples of any one, yet the fact that my countrymen have their feelings on the matter ought to prevail with Parliament to abolish a tax which is conscientiously felt by people in Scotland to be opposed to their religious convictions. But would it not be better to read the Bill at once a second time, fixing the Committee for a distant day? In the meanwhile, let my right hon. Friend introduce the measure of the Government, not one of the principles or details of which has been as yet indicated, and then let us try in Committee, and without contention, to come to some arrangement by which the pressure of this tax may be lightened.

Mr. COWAN, in the first place begged to assure the hon. Member for Elginshire that, in advocating the abolition of this tax, he (Mr. Cowan) was actuated by no unworthy feelings towards the Established Church. Hereditarily he was not opposed to the principle of an Established Church; and he was satisfied that if there was any body of clergy did their duty, it was the clergy of that Church. Now, his hon. Friend opposite had told them to-day that he was a member of the Episcopalian body of Scotland; but if he (Mr. Cowan) was not greatly mistaken, his hon. Friend had acted some years ago as an elder of the Episcopal Church. His hon. Friend, therefore, must surely be aware that the body to which he belonged used to receive a grant of £1,200 a year from that House for the purpose of enabling the clergy of his Church to eke out their scanty stipends. Well, that grant was repealed some years ago, and what was done? Why, the Episcopalians of Scotland, greatly to their honour, subscribed a capital sum amply sufficient to supplement the miserable endowment which for many years they received at the hands of the State. He was anxious, however, to introduce another precedent upon a larger scale to guide the House in dealing with the question. For a great many years a certain society used to receive from Parliament a large annual grant—he alluded to the "Society for the Propagation of the Gospel in Foreign Parts." Up to the year 1851 it was the custom of Parliament to dispense to the Society no less a sum than £16,000 for the purpose of being applied to the wants of the North American clergy; but he had the authority of the right hon. Member for the University of Oxford for saying that it was subsequently arranged by the present Lord St. Germans —then Minister for the Colonies—that the income of the existing clergy should be continued to them for their lives. Now, it was important here to observe that by one of the leading features of this Bill—so far from its being a measure of spoliation—that by one of its leading features it was arranged that every one of the present clergy, during their lives, should be continued in the full enjoyment of their share of the proceeds of the annuity tax. So that the Bill of my hon. Friend and Colleague could not take complete effect for at least twenty or thirty years to come. The right hon. Gentleman further said that the changes which had been introduced into our system of colonial government had been of infinite advantage to the Society for the Propagation of the Gospel, inasmuch as it had been the means of creating a spirit of self-reliance in religious as well as secular concerns relating to the Colonies; and in proof of that he stated that whereas at a period anterior to 1856 the whole income of the Society was only £21,000, of which amount £16,000 was made up by the grant from Parliament, their income was then 60,000 a year. He was sure that the experience of Scotland for the last twenty or thirty years was precisely of an analagous description. Thirty years ago the whole income raised by the established church of Scotland, for religious purposes did not exceed more than about 20,000 a year. Since that time, as the Scottish Members were aware, not only the Members of the Established Church but also those of the other Presbyterian denominations contributed liberal sums for the maintenance of the ordinances of religion. The Church had a revenue of £300,000, £100,000, of which went towards the support of the working clergy, who had a larger amount generally from the central fund than was received by the hard-working clergy of the Church of England. The hon. and Gallant Member for Elgin had talked of the measure being one of an outrageous character, and that it was, in fact, a spoliation Bill. He (Mr. Cowan) was, however, glad to find that the Lord Advocate frankly admitted, that the objections to this tax proceeded from pure and conscientious motives. He respected most sincerely the tone the learned Gentleman had evinced upon this question. No man, he was sure, was more anxious to assist in removing that spirit of rancour which at present existed on account of this tax. It occasioned a festering sore which was disastrous to the operations of the Established Church. They would all admit the desirability of healing that sore as speedily as possible. He should wish to say one word more in reference to some observations which had fallen from an hon. Member on another subject—namely, the Trinity College Church. He thought it was unfair and unworthy of his hon. Friend to seek to create an unfavourable impression against the opponents of this tax, and thereby to increase the chances of the rejection of the present Bill. He did not stand there as the apologist of the Town Council of Edinburgh. He might, however, observe that, in the steps which they took, they had acted under the advice of the distinguished Gentleman the late Lord Advocate, the Lord Justice Clerk, and another able Member of the Scottish bar. He did not however mean to say anything in justification of the proceeding referred to. It did not appear to him that the question referred to had any precise bearing upon the point at issue; that its only effect could be to create an impression unfavourable to the representatives of Edinburgh, and the agitation that existed in favour of the Bill. He hoped that his hon. Friend will consent upon condition of his Bill being read a second time, to put off the Committee upon it until after Easter, so that in the meantime the Government might have an opportunity of stating their intentions upon the question.

MR. H. BAILLIE: Before going to a division, I trust that the House will not allow itself to be led away by the arguments used by the hon. Member opposite, for the purpose of showing that this question of the annuity tax of Edinburgh is analogous to that of church rates. I am sure that the right hon. Member for Leith (Mr. Moncreiff) did not give expression to that opinion as a lawyer, because nothing to my mind can be more dissimilar than those two questions. Church rates are a voluntary tax, they can only be levied by a parish where a majority has declared in favour of them. This, however, is a tax which has been imposed by Parliament about 200 years ago. It is just as much a fixed and legal tax upon property as tithes are. Now, what would happen, and what would the people say, if an English gentleman came down to the House and said he had a conscientious objection to the payment of tithes, and therefore he wished to bring in a Bill to exempt his own property from the payment of tithes? Now, that is literally and truly what the hon. Member for Edinburgh has done on the present occasion. This annuity tax is a tax imposed upon the city of Edinburgh. The only difference is that tithes is a tax of ten per cent, whereas this is only a tax of six per cent upon the land revenue. In dealing with this question, therefore, the English Members must clearly understand that this annuity tax of Edinburgh resembles not in the slightest degree that of church rates, nor does it resemble the other tax alluded to—namely, ministers' money in Ireland. But the question of ministers' money has been already decided; it has been decided in the manner in which we are all prepared to deal with this question—namely by providing a substitute for it. Ministers' money was not abolished in the manner proposed by this Bill; it was abolished by placing, I believe, the substitute upon the church fund in the hands of the Ecclesiastical Commissioners in Ireland. We should certainly have been happy if this Bill had been postponed for a fortnight or three weeks. We should be glad if we could possibly avoid going to a division upon the principle of this measure; but the principle of this Bill is to abolish this tax without finding anything like an adequate substitute. For this reason, however, anxious as we are for a satisfactory settlement of the question, we feel we cannot avoid dividing against the second reading of the hon. Gentleman's Bill.

Sir WILLIAM DUNBAR stated, that he did not rise for the purpose of prolonging the debate, as he believed that almost every argument had been advanced which could be brought to bear either in favour of or against the tax. At the same time, he considered it due to himself to state that after the fullest consideration he had arrived at the opinion that he ought to record his vote in favour of the abolition of the tax—reserving to himself, however, his entire freedom of action when the details of the Bill, which he thought objectionable in many respects, should come to be discussed in Committee. He had come to the conclusion to support the principle of the Bill, he might venture to say, from no feeling of hostility to the Established Church, but on the contrary, because he believed that the well-being of the church, no less than the peace of the community affected by the tax, was involved in the immediate extinction of one of the most odious imposts that ever was devised. He felt desirous that the angry feelings which the tax had engendered should be allayed, and he knew of no more likely means by which the Church could contribute to that end, or by which it would do more to regain its position in the affections of the people than by consenting—he would not ask the Church to do so in the spirit of serious self-sacrifice, but of reasonable concession—to some permanent and satisfactory settlement. Now, he was not one of those who believed that the Bill of his hon. Friend the Member for Edinburgh would effect such a settlement, but he felt persuaded that if the House should affirm, as he hoped it would, the principle of abolition, the Government would be bound, if they did not feel it to be their duty, to consider the matter, not only with the gravity which its importance demands, and has never received, but with the determination, once for all, to solve the difficulty in which the question is involved by proposing a proper substitute for the tax. It was not his intention to enter into the history of the tax which had been dwelt upon at some length by the Lord Advocate, but he felt bound to say that if it was not altogether questionable in its origin, it was undoubtedly unequal in its incidence and unjust in its operation, and that in his opinion its perpetuation would be an injustice and a wrong. He said an injustice and a wrong because, if there was any value or force in the arguments which had been adduced in favour of the abolition of church rates, which the House had repeatedly affirmed —if the conscientious scruples of the Dissenter were entitled to respect, as some allege on the other side of the House as a matter of favour, but as others on this side contend as a matter of right—if every tax is odious and oppressive which is levied in the shape of a personal exaction for religious purposes, from which the payers of the tax derive no benefit, then he would ask upon what principle the House can continue to declare that to be right and just when applied to the few which they have already declared to be the reverse as respects the many? But without further reference to the church rate question, there is the case of the eight Irish towns where ministers' money was levied. That was an impost identical in origin and principle with the annuity tax, but it was less onerous—less unequal and unjust, and it favoured no exemptions—and yet the Roman Catholic conscience rebelled against that tax—there was an absolute and general refusal to pay it, and the law was powerless to enforce the payment. And what was the consequence? Why, just this:—With the sanction of the Ministry of the day, you abolished the tax, and provided a substitute for it; and shall it be said that Irish importunity and clamour, and, what is more, Irish disobedience of the law, was more powerful to effect a remedy and to assist its claims to justice at the hands of the Legislature than the patient and praiseworthy endurance of a small and comparatively uninfluential community, because it is connected with Scotland? But it has just been alleged by the hon. Gentleman who spoke last (the Member for Invernessshire), that the tax is not the same as the church rate; that, in point of fact, it is not a personal tax. Well, if it is not a personal tax, what is it? Is it a tax upon property? It is no such thing. Like the church rate, it is a tax upon the person in respect of occupancy. It is not a tax upon ownership, for a proprietor is not liable when his house is unlet. It is simply a tax upon occupation, and the very exemption in favour of one large class of persons, belonging to the legal profession, is proof decisive of the fact that it is a personal tax and nothing else. Well, now, he would only trouble the House with a single illustration to show the injustice of the tax. He would suppose the case of the successful practitioner at the bar. He makes his thousands per annum, resides in an elegant house, surrounded by all the comforts, and it may be all the luxuries, that money can supply. If he is a Churchman he is bound, above all others, to contribute to its ministrations; and yet, as the law now stands, he does not contribute a single farthing. But if he is a Dissenter he not only saves his pocket, but acquits his conscience under the cover of an unjust exemption. On the other hand, take the case of the poor widow, eking out a scanty subsistence as she supplies one or the other of the necessaries of life; it may be, to one or both the great luminaries of the bar, to whom he had just referred; in her case, if she belongs to the Church, she is liable to the tax; she contributes her few pence, and so far well; but if she be a Dissenter, she can plead neither her poverty nor her conscience in bar of payment of a tax, which he had shown the able and the wealthy escape. Is it possible that such injustice can long continue to exist? Now, only a single word more as to what fell from his hon. Friend the Member for Stirlingshire. He said that the measure is calculated to undermine, or as he expressed himself, to disestablish the Established Church. Well, all that he (Sir William Dunbar) could say in answer to that observation was, that if the maintenance of the Church depends upon the maintenance of this tax, and if its security is to be based upon the crazy foundations of discontent, dissatisfaction, and a sense of injustice, then, he feared, that the Church could not long be safe. But he entertained no such opinion, and no one would deplore more than himself any such result as the hon. Member anticipates.

MR. F. SCOTT: In the few observations I am about to make, I shall not be led into the different details with regard to the history of the annuity tax, or to the exemption which has been, I think, unfairly allowed. I entirely agree with the hon. Gentleman who has just spoken that this tax is unequal in its imposition, and that it is desirable some kind of substitute should be provided. Both parties in this House having so far agreed as to the desirability of abolishing this impost, the question for our consideration now is whether the substitute now proposed affords such a means of support and maintenance for the clergy of the Established Church of Scotland as is just in principle, or as ought to be adopted by this House? The right hon. and learned Member for Leith (Mr. Moncreiff) has requested that this Bill may be allowed to pass through its second reading, in order that we may have an opportunity of considering the Bill of the Government which we have been promised, and of considering the principles of both measures at the same time. Now, I, for one, am most anxious to see an amicable adjustment of this question upon fair, and just, and equitable principles. But, at the same time, whilst expressing that sentiment—whilst I admit that the opposition raised to this tax is of a conscientious character—nevertheless, I cannot acquiesce in this Bill as a settlement of this question, and, therefore, I, for one, cannot allow it to pass through a second reading without recording my vote against it. The great principle involved in it I cannot affirm, because I believe it is one that is founded upon the grossest injustice. Now, what is that principle? The principle of this Bill is, in effect, to abolish that which has existed for a period of 200 years. The mode by which the clergymen are to be supported under this Bill is this:—After depriving them of their legal provision, it provides as a substitute that they shall take the seat rents of the parish church, and the amount of the collections made on the Sabbath day in the parish church. Now, for what object are these contributions made? In the first place, I would ask any English Member to say whether they consider that the parish church ought, in principle, or according to law, to be disposed of in this way? I ask you whether you are of opinion that the seats in the church are to be let off according to a fixed rent? I believe that no matter has been more distinctly settled in the English law than this—that no particular person has any right to a special seat in the parish church. The very object of a parish church is, that the means of religious instruction should be afforded fairly and freely to every inhabitant in every parish throughout the kingdom. I believe I am making a statement which no man will attempt to controvert—namely, that the parish church must be free to all. But a different custom has unhappily prevailed in Edinburgh and other towns in Scotland to a great extent; and in the particular case before us it has prevailed to this extent that the seat-rents, by Act of Parliament, are made applicable to a certain debt incurred by the city of Edinburgh. What, then, are you going to do? Why, that which I conscientiously believe to be illegal in principle, you propose to enact by this Bill. This measure proposes to appropriate those seat-rents and collections to a particular purpose altogether foreign from that to which they were originally applied by statutory enactment. I presented a petition this very day to the House in which the creditors of the city of Edinburgh come here, and call upon you not to pass this Bill in its present shape, because they have entered into a composition with the city of Edinburgh for the debt it has incurred to them, and thereby they have acquired an absolute statutory right over the seat-rents in those churches as a security for the sum they had advanced to the city of Edinburgh. But then I am aware that the hon. Gentleman who introduced this Bill has stated that these creditors, in giving up their security, shall have another security afforded to them. Now, what is that security? It is a security on certain dues and market tolls levied in Edinburgh, which, by statute, are really declared inalienable from the purposes to which they have been up to the present time applied. And yet, forsooth, we are called upon to affirm the principle of the Bill, and we are assailed as unreasonable beings because we call this measure one of confiscation and spoliation. I never wish to use harsh words in a debate, but I must say that when hon. Gentlemen come forward with a Bill of this character, and call upon us to affirm its principle, they are acting in a manner inconsistent with the principles of justice and fair play. It is for them to show that the principle which they advocate is founded upon justice, and that they are giving creditors whom they are depriving of their just claims another security equally good and responsible. If they are really desirous of providing another security for the creditors of the City of Edinburgh, I think they should in the first instance have obtained the assent of the creditors. Any change of security which they may propose ought not to be persevered in unless it receives the special approbation of the creditors. They have not only not done that, but they really have not moved a step in the matter. They have left a statute which gives security on the question unrepealed, and they attempt to alienate funds and devote them to a purpose different from that to which they are already applicable by statutory enactment. When hon. Gentlemen come forward with a measure year after year *ad nauseam*, and appeal to our consciences in support of it, I think it is their duty to show that the measure they advocate is characterized by justice and fair play, and that it is also consistent with the religious principle involved. I could urge many more objections against this measure on the ground of religion, but I know I should be met in this House by the cry, "Why is religion at all introduced into the concerns of Parliament?" I am inclined to think that this Bill will not approve itself to the judgment or the consciences of hon. Members, or to their sense of justice and equity. Unless the advocates of the Bill show that they have provided a substitute for the tax which they propose to abolish, and that they also provide another security for the creditors of the City of Edinburgh, I do not think that it would be wise, or proper, or just, for us to entertain the question at all as coming from them. The late Lord Advocate, whom I do not see in his place, seems to say that he and his friends are better supporters of the Established Church than we who oppose this Bill. I am not prepared to admit the justice of the assertion that we are not disposed to receive a settlement of the question. I wish and believe that all on this side of the House, as well as every Scotchman interested in the question, are equally anxious for a satisfactory adjustment of the matter. We have had for some years annual debates in this House upon this question, and it appears we are fated to have more. We all want a settlement of the matter which shall be just, fair, and reasonable. The late Lord Advocate said that he had brought forward a measure with which we ought to be satisfied; but the hon. Member for Edinburgh found great fault with the hon. Member for Stirlingshire for introducing the question of the Trinity College church, which, he said, was calculated very much to create a prejudice against the Bill. It is not unnatural that a warm feeling should have existed against a Bill which we consider one of injustice and spoliation when it can be shown that it takes away funds amounting to £13,000 which have been given to the Town Council for the support of the church, and applies it to a different purpose altogether without providing any substitute. The hon. Member for Elgin said that the amount was £17,000. No doubt that was the sum paid by the railway company at Edinburgh to the Town Council to be appropriated to a particular purpose. They appropriated only £4,000 of that money to the building of a church when they ought to have appropriated the whole sum to that or similar purposes. What would be thought of trustees who had received £17,000 for a particular object, and who, having expended only £4,000 of the sum in the execution of the trust, pocketed the remainder? But what would be said if such parties came down to the House and said, we are anxious, for the sake of religion and justice, to pass a measure entitling us to appropriate 74 per cent of the money so given to us in trust for purposes altogether different to the intentions of the original donors? The hon. Member for Stirlingshire has been found fault with for bringing forward what has been termed an element of discord in alluding to the question of the Trinity College Church, but I beg to remind the House that it was the right hon. Gentleman the Member for Leith who first introduced that question, and not the hon. Member for Stirlingshire. It was the late Lord Advocate who first introduced this element of discord by making it a portion of the Bill which he introduced. Now, I do not think that we can be considered enemies to religion, to justice, or to honesty if we are found opposing such a mis-appropriation of the 74 per cent of the funds entrusted to these parties, when we know that they have only applied 26 per cent to the purposes for which the money was originally granted. So far then for this point. Let us now proceed to some others. The other funds from which we are to draw are funds that are dedicated to the interest of the poor—that is, the church-door collections and the alms that are given there, which should be employed exclusively for the benefit of the poor, and for the purpose of clothing the children of the poor—in a word, supplying all their wants. Let me tell you, Sir, that throughout the whole of Scotland there is no more beneficial fund, both as regards givers and receivers, than that portion of the church-door collection which is applied to the purposes of the poor. The effect is equally good both as respects the poor who receive the fund and those who contribute the charity that is solicited. And yet this is the fund upon which we are called on to rely for the maintenance of the ministers of religion. I should like to know what would be said in Scotland, or in any other part of the United Kingdom, if we were every day to have a poor-box going round in order to support the clergy of the Established Church in every parish. Then an hon. Gentleman tells us that these church-door collections are very poor. Why then, I ask, do you want to make them poorer? The hon. Gentleman told us that the collections of the Established Church were in fact only one-sixth part what they really are. The amount of the collections, he said, was £1,000 a year, instead of £6,000 a year, as they actually are. The hon. Gentleman was only wrong in this particular to the extent of five-sixths of the whole amount. If, however, the amount is so small, why make it still smaller by the proposition now before us? We diminish the fund for the relief of the poor and apply it for the maintenance of the clergy, instead of the amount to which they are legally entitled. Well, if this be not a Bill of spoliation or confiscation, I will tell you what it is. It is a Bill for permitting you to put your hands into the pockets of the poor—to rob the poor in order to give money to the rich. That, I am sure, Sir, is not a principle which this House will ever adopt or recognize; but in order to bring over English Members to his side, the hon. Gentleman says that the question of the annuity tax is in its nature analogous to church rates. Now, no greater fallacy than that could possibly be imagined. There is no analogy whatever between the two cases. Church rates, as the hon. Member for Inverness (Mr. Baillie) has stated, are a voluntary assessment; but they are more than that—church rates are a legal assessment, levied by each parish on its own inhabitants. Now, the annuity tax is a statutory enactment — a statutory imposition, imposed for a period of two hundred years. Again, church rates are imposed for the maintenance of the fabric of the church; while, as all hon. Members know, the annuity tax has been imposed for the support of the ministers of religion, in the same way that tithes were formerly imposed. Well, there is another great difference between the two cases. There is still less analogy as regards the positions in which they relatively stand. We are perfectly aware that the opponents to church rates rest their opposition mainly upon the assertion that these rates, when they were originally proposed, were for a different purpose to that for which in later years they have been appropriated. There is not much misappropriation of funds in the case now before the House. No complaint of the misappropriation of the annuity tax has of late years been made. The hon. Member last year told us that he was born some years before this tax was imposed. Why, the statute imposing this tax was passed in 1661, nearly 200 years ago. I do not know exactly the age of the hon. Gentleman, but I should rather say that he is not quite so old. This tax has been levied by the Town Council, and they have appropriated it to the purpose of paying the stipends of the clergy. But in 1809 it was discovered that it was not fair, or just, or according to the Act of 1661. The hon. Gentleman calls this a smuggled clause in the Act; but the real contrabandists, the real smugglers, are those who, in later years, misappropriated the funds. In 1809 the clergy found out that the whole assessment belonged to them and not to the Town Council. When, in 1855, the Town Council had dared to audit their own accounts and to administer their own funds, the clergy had been exceedingly forbearing in respect of this assessment. They are, generally speaking, most anxious that some alteration should be made in regard to it. They feel as the English clergy felt before the Act for the commutation of tithes. They felt a sort of regret that the tax should be a source of heart-burning between the Commissioners and themselves, and accordingly they ask for a substitute. There is one point which I wish now to observe upon. The hon. Member for Edinburgh has thought proper to resist the payment of this tax for two years. I believe that no one who knows the character of the hon. Gentleman could for a moment suppose that, in adopting that course, he has been actuated by any other than a conscientious principle. He objects, as a Dissenter, to contribute to the support of a church to which he does not belong. But what does he do in the 7th clause of his own Bill? The case there is not one of transfer; but the principle of the 7th clause of his Bill is, that it imposes a municipal tax, and to which a portion of the public money is to go to pay the clergy of each parish belonging to the Established Church, to which he himself does not belong. Now, after that clause, I contend the question is no longer one of principle; because there is here a direct provision for payment out of public money of a clergy from whom the hon. Gentleman differs in religious matters. The hon. Gentleman shakes his head at this; but if he could shake the 7th clause out of his Bill I should be more disposed than I at present am to believe in his conscientious scruples. It is true that the sum which he proposes by this clause to levy is only one halfpenny in the pound. Now, however small that sum may be, the same principle is involved in it as if the amount was half-a-crown in the pound—that is, the principle of paying for the maintenance of a church which the hon. Gentleman himself refuses to recognize. The hon. Member cannot, therefore, rest this question on the ground of principle. These are the grounds upon which I for one cannot adopt the principle of any Bill of such a nature as this—a Bill which I consider to be framed to relieve the rich by what is taken out of the pockets of the poor. By this Bill it is proposed by way of a substitute to defraud the body of creditors of that just security given them by Act of Parliament. On this ground also, amongst many others, I say "No" to the second reading.

LORD ELCHO: Sir, one word will explain the vote I intend to give on this question. I am one of those who think it desirable that this question should be settled satisfactorily. It is a question that has long occupied men's minds in Edinburgh, and which has led to great heart-burnings and much discontent. I think, therefore, it is for the interest of the people of the Scotch metropolis and of the Church generally that this question should be settled in a satisfactory manner. I fully believe in the conscientious scruples of the hon. Member for Edinburgh; I fully believe that he rests his objection to the payment of these taxes on principle, and that he is anxious to have the question settled. But the question to consider now is, how can it be settled on fair and reasonable grounds—but I confess that in the Bill brought in by the hon. Member for Edinburgh, I cannot see any such just or amicable settlement. The Government, speaking through the learned Lord Advocate, have announced their intention of bringing in a Bill—indeed, I believe that Bill is already in print—and, therefore, I think it much better to wait till we see that Bill before we come to a conclusion on the question. There is unquestionably one provision in particular in this Bill which I cannot accept, however anxious I may be to see this question settled. The principle involved in that provision I know not how to describe, except one of unblushing spoliation; for it takes away the whole means by which the clergy of the Established Church of Scotland are supported in Edinburgh. I have before me an extract from the report of Sir John Shaw Lefevre, who had been sent down to inquire into the bearings of the question in Scotland. He says that this tax is not a rent charge, but a tax given to ministers and their successors for their benefit, and that unless the rights of these ministers and their successors are upheld by means of another Act of Parliament, you cannot abrogate the tax. The hon. Member for Edinburgh does not deal with the subject in that spirit of justice and forbearance; but he cuts away the means by which the clergy of the Established Church in Edinburg are maintained. I for one disagree *in toto* from such a principle; and if a division is taken, I am prepared to vote against the second reading.

MR. LABOUCHERE: Sir, I owe an apology to the House for taking any part in a debate which seems particularly to interest Scotch Members; but some years ago, as a Commissioner appointed for the purpose of investigating certain matters in Scotland, I had occasion to look into the state of affairs in Edinburgh. They were then in a state of great difficulty and confusion, and my attention was necessarily directed to this annuity-tax. At that period great excitement existed on the subject, and I believe discontent and excitement have continued up to the present time, although they have not broken out into actual violence. I believe, Sir, that this state of things is grounded upon well-founded dissatisfaction; and I do not think it is wise or proper to neglect this important question merely because the grievance has hitherto been borne with patience, or that a body of lawyers should be exempt from a contribution to which all other classes of the community in Edinburgh are subjected. Such a state of things must naturally create discontent in that city. I am sure the House will feel that it is desirable to put an end to such a cause of dissatisfaction. I think that this question, notwithstanding what has been said to the contrary, bears a much closer analogy to ministers' money than to church-rates. I think it stands precisely upon the same ground as does ministers' money in Ireland. I think it would be unjust to abolish the tax without finding some substitute for it. But, Sir, I hold that the question which we have now to consider is that of abolition, and not that of substitution. I do not think it will contribute to the proper solution of the question of abolition if we mix it up at the present time with the question of a substitution. Let us in the first place, as we are all agreed on the desirability of abolishing this tax, assent to the second reading, which, as I said before, involves only the principle of abolition. Then, when we go into Committee on the Bill, we shall be more properly able to consider the question of a substitute. The question now before us is as to whether this tax should be abolished? My opinion is that it should; and therefore I am prepared to vote for the second reading of the Bill. The question of a substitute I am prepared to consider in its proper time—when we are in Committee. I heard the statement of the Lord Advocate that he is prepared to offer a proper substitute for this tax, which he proposes by his Bill to abolish. The House will of course carefully consider the proposition of the Lord Advocate when it comes before them; but I own that I am not quite satisfied if, as I understand, the substitute which the Bill of Her Majesty's Government will give is to be merely a temporary one. I think there are great objections to taking away that particular fund to which he refers from its original purposes, and applying it in the manner which that Bill proposes. I am of opinion that it would be a very inadequate substitute for the amount of this tax. With regard to the question raised by the hon. Member (Mr. F. Scott) as to how the substitute will affect the creditors of Edinburgh, undoubtedly the House is bound to inquire into that subject. I do not think, however, that the interest of those creditors will be in any manner affected. I have looked into the question, and I do not believe that those creditors have any lien upon this tax. I am of opinion that they have rather a lien on the seat-rents. If the Government would allow us to go into Committee we should have an opportunity of considering the points involved, and we should no doubt arrive at a just and satisfactory settlement of the whole matter. I am quite sure, from the expression of opinion which we have heard from both sides of the House, that there pervades a general desire amongst hon. Members to first abolish the annuity tax, and then to find a substitute for the impost so abolished.

MR. MACKIE: I agree with what has been said by those who preceded me in the debate, that so long as this annuity tax remains, so long will it continue in the city of Edinburgh the demon of strife and hatred and malice. I therefore, I need not say, should rejoice to see the tax abolished; but I must also say that I wish, as a matter of justice, before this abolition takes place, to see a substitute provided. It has been said that this case—the case I mean of the annuity tax—is analogous to the case of church rates, and therefore as the House has expressed its wish for the abolition of the rates, it will also desire to abolish the Edinburgh annuity tax. With all due deference to the hon. Gentleman who maintained this argument, he is altogether mistaken in supposing the existence of any analogy. In the case of church rates you have no character of fixity. The House of Lords, the highest Court of Appeal in the land, have decided that church rates are dependent on parochial majorities, and therefore they appear to amount to little more than a parish subscription. The analogy, therefore, is not correct between church rates and the annuity tax. The annuity tax is a fixed charge depending on the value of property, therefore it appears to me that those who advocate the abolition of the tax without a substitute, relying on the analogy of church rates, have not the best of the argument. But a very close analogy has been drawn, and may still be drawn, between this case and the case of ministers' money in Ireland. It was not the abolition only that convinced the House of Commons, for there was pointed out in that case a safe and sufficient substitute. So, it appears to me that if you can find a substitute for the annuity tax, it will be quite a right and proper thing to abolish it; but, as there is no substitute provided, it appears to me to be altogether wrong to abolish the tax. What are the substitutes? The church-door collection is already appropriated by statute—by act of Parliament; and the other substitute suggested, I mean the substitute of pew-rents, is already secured to the city corporation, and the city corporation have never agreed to give up the security, so far as I know, or so far as I have heard asserted. To agree to the second reading of the Bill would, then, be an act of injustice; it appears to me to be an unjust mode of arriving at a conclusion on a religious difficulty to do an unmitigated act of spoliation.

MR. BRIGHT: I think the hon. Member for Edinburgh (Mr. Black) would do wrong if he yielded to the suggestion which has been made to him to withdraw the Bill. It appears to me that the best mode of carrying a thing in this House is not by withdrawing it. We have had an example this very Session of what is to be expected from the Government with reference to a kindred subject, the abolition of church rates in England, and the example does not convince me that they are likely to introduce a measure which will settle the annuity tax in a satisfactory manner. The tax has been described as having introduced and kept alive in Edinburgh the demon of hatred, malice, and all uncharitableness. I have not said anything so bad of it as that. If it be true, as we learn from the hon. Member for Edinburgh, that there is an enormous majority in favour of the measure, not only a majority of the inhabitants of Edinburgh, but of its educated classes—I am almost afraid to say anything about population simply—I must, adopting the phraseology of the right hon. Baronet the Secretary of State for the Colonies, say, the "cultivated intelligence" of Edinburgh. I will venture to say that the "cultivated intelligence" of Edinburgh is as five to one in favour of the proposition of the hon. Member for that city. There is no matter of doubt about it; not the slightest. Then why is it that in a city where the population is so attentive to all their religious duties, their ministers cannot rely on the same sources of income as the Free Church and the United Presbyterians? If the hon. Gentleman wants to find sources of income, they are to be found in abundance. There are scores of stipends in the north of Scotland, in parishes where there are no congregations. If the Parliament would sanction it, there would be no difficulty in amalgamating the parishes, and then adequate ministers' incomes would be provided for the minister of the same Church in Edinburgh or anywhere else where they are required. I do not recommend this; I only say that there is such a source if you are driven to have recourse to it. But should we go on, Session after Session, discussing this matter as the House discussed the question of church rates and the question of ministers' money, to come to only one result—just like this House, there is one door in and one door out of it —discuss it for years, and you will come to the proposition of the hon. Member for Edinburgh. I have lately been in Edinburgh, and I do not misstate that there is scarcely any difference of opinion as to the necessity of settling the question, and as to the justice and the propriety of settling it on such terms as are now proposed. Therefore I hope the hon. Gentleman will not preclude himself from proceeding by the notion that the Government will bring in a measure likely to be satisfactory, or if they do that it will pass this House, but that he will press forward his measure, and I will undertake to say that, like church rates and ministers' money, we shall find this annuity tax question also be settled, and that "the demon of hatred, malice, and all uncharitableness," will be exorcised from the city of Edinburgh.

MR. SOTHERON ESTCOURT believed every Member of the House had come to the conclusion that the annuity tax in Edinburgh must be put an end to, and the question therefore was, whether that object could be satisfactorily effected by the present Bill. The hon. Member for Birmingham advised the hon. Member for Edinburgh to persevere in his Bill by referring to the example of what had occurred with regard to church rates; the truth being that that hon. Gentleman did not agree with the propositions of the Bill itself, because the Bill proposed to afford, although inadequate and inexpedient, some substitute for the tax to be abolished, while the hon. Gentleman wished to abolish the tax without equivalent and without substitute. [Mr. BRIGHT: No.] I understood him to say that, in a rich and intelligent city like Edinburgh, there are plenty of sources whence the income of the ministers ought to be provided. But on what ground does the right hon. Gentleman opposite (Mr. Labouchere) proceed? He says, "I shall support the second reading, but I shall in Committee propose Amendments." I understand him to say that he does not agree with the provisions of the Bill, but he considers that in Committee differences of opinion may be arranged. It is clear, therefore, that neither does he approve the provisions of the present measure. We all of us agree that it is desirable to get rid of this tax, and the only question between one party and the other is this—In what manner shall we do it? On this side Gentlemen say the provisions proposed are not only highly unjust but altogether incommensurate with the object, and it is not an individual that says it is, but it is the Lord Advocate, speaking on authority; and the learned Lord expresses his intention of introducing a measure which he thinks, without being unjust, will be much more satisfactory than the Bill of the hon. Member for Edinburgh. Why, then, should that hon. Gentleman persist in pressing on the second reading of a Bill many of the provisions of which are not approved of by hon. Gentlemen who have declared their intention of voting for it? He will lose nothing by postponing it for a fortnight. The House will then have an opportunity of considering the measure of the Lord Advocate. The hon. Member, perhaps, fears that the Lord Advocate's measure may be such as strengthen the objections to his own Bill; but I ask the House to wait and see what the Lord Advocate's Bill is.

MR. E. ELLICE (St. Andrew's) said, that having taken a prominent part in the discussions on this question for eight years, he wished to offer a few remarks. He believed that the good people of Edinburgh desired to relieve themselves at the expense of the Consolidated Fund. Four or five Bills had been presented to the House, all of which were applications to the Chancellor of the Exchequer to supply means for relieving the tax-payers of Edinburgh from payments which they thought were rather unjustly extracted from them. He should vote for the second reading of the Bill before the House, inasmuch as there was no such proposition involved in it; and he hoped the Lord Advocate, if he should succeed in defeating the Bill, would not have recourse to the old expedient of applying the public funds to relieve the objections of individual tax-payers. He only threw in these few words in order to put the Chancellor of the Exchequer on his guard, that whenever Bills came from the north they were generally attended with such an application for the public money.

VISCOUNT DUNCAN said, there appeared to be but one wish on both sides with regard to the abolition of the annuity tax. He believed there was no difference of opinion on either side that the tax must be abolished. But he rose to suggest to

Her Majesty's Government the following question. He would very much like to know what were the principles of the Bill alluded to or about to be brought in by Her Majesty's Government. On this side of the House they were in this difficulty, that they did not know what the principles were that were contained in the Bill which the Lord Advocate had stated to the House would shortly be brought forward. Her Majesty's Government had this advantage, that they knew the principles of the Bill now before the House. He cordially concurred with what had fallen from the hon. Member for Edinburgh, that it was absolutely necessary that this annuity tax should be got rid of. But he was in this difficulty at that moment, that being most anxious to get rid of the tax he could see no other course to adopt than to vote in favour of the Bill now before the House. They were not responsible for the other Bill not being brought forward. But, considering all the circumstances of the case, he would suggest to the Government that they should assent to the second reading of the present Bill on the understanding that when they introduced their own Bill it should not be objected to by the supporters of the measure now before the House, and then that both Bills should go into Committee and be there taken into consideration together.

Mr. BLACK said, that seeing that the House was impatient, he would not take up their time for more than a minute or two. He begged, however, to remind them that at the opening of the debate he had not made a long speech, although he was fully prepared to do so, and to show that this annuity tax was regarded as an intolerable burden, that it was contrary to the principles of religious liberty, that it was unjustly saddled on the inhabitants of Edinburgh, that it had led to nothing but tumult and riot and all kinds of confusion in the city, that it was injurious, not only to religion and morals, but to the Church of Scotland itself. Few persons had inquired into the question as much as he had done. He had searched diligently in every quarter in order to ascertain whether he could find any legitimate substitute for the tax that was likely to be received by this House. He knew very well the Bill to be brought in by the Lord Advocate would trench upon some of the funds of the Chancellor of the Exchequer; and he believed that, though the ministers of Edinburgh were exceedingly anxious to get rid of the tax, their longing eyes were towards the Consolidated Fund, and he knew that if any charge on the Consolidated Fund were proposed, the Chancellor of the Exchequer would not submit to it. The hon. Member for Kirkcudbright had said the existence of the annuity tax introduced envy, hatred, malice, and all uncharitableness. Whether that were so, and whether, by the abolition of the tax, the "demon of hatred, malice, and uncharitableness," would be laid in the Red Sea, he could not say, but you are reduced to this alternative, you must either accept of this substitute, though it should not be so ample as you would like, and with it the affections of the parishioners, or you must continue to submit to the demon of hatred and malice. His principal objection to the annuity tax was, that it violated the principles of religious liberty. It was held to be the inalienable right of every man to worship God according to the dictates of his conscience; it was persecution to compel any man to adopt the creed of another, it was no less persecution to force him under threats of prosecution to support the creed of another. He had paid the tax, when compelled to do so. He did it on the same principle as the farmer of Lochlomond paid black mail to Rob Roy. If he were not forced to pay by threats of prosecution, of arrest, or imprisonment, he said at once he would not pay it. He paid every other tax as soon as the paper was presented, but with regard to this annuity tax, he entertained a strong conscientious objection to it.

Question put, "That the word 'now,' stand part of the Question."

The House *divided*:—Ayes 216; Noes 176: Majority 40.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Wednesday* next.

POOR RELIEF (IRELAND) ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Mr. GREGORY, in rising to move the second reading of this Bill, said, it was rendered necessary in consequence of a decision come to by the Poor Law Board that all children in workhouses, the religion of whose parents could not be ascertained, should be brought up as Protestants. This decision, in the face of the vast proportion of Roman Catholics and of Catholic pauper children in the majority of parishes in Ireland, had created the greatest dissatisfaction, and had led to repeated collisions between boards of guardians and the Poor Law Commissioners. The present Chief Justice Blackburne, when Attorney General, had given an opinion that boards of guardians were bound to register deserted children as of the religion of the State; but from the Poor Law Act itself, and from an opinion given by Judge Keogh when Attorney General, it seemed clear that where the guardians could come to a conclusion as to what the religion of the child's parents was, they were bound to register it in that religion. In many cases something found round a deserted child's neck, such as a rosary, would sufficiently indicate that the parents were not Protestant; but the Poor Law Commissioners insisted on all deserted children being registered as Protestants. This state of things gave rise to contentions which it was the object of his Bill to put an end to; and it therefore provided that in all cases where there was no clue to the religion of the child's parents the board of guardians should be left to judge what that religion most probably was, and should register the child accordingly. He had been requested to bring forward this Bill by Protestants as well as by Roman Catholics; and he could assure the House that many Protestant clergymen had expressed to him their desire that the matter should be settled by legislation. After the liberal manner in which the present Conservative Government had acted towards the Roman Catholics, in the appointment of additional Roman Catholic chaplains for the army, he trusted they would show the people of Ireland that they were ready to act with equal liberality in reference to this important subject.

Motion made and Question proposed, "That the Bill be now read a second time."

LORD JOHN BROWNE seconded the Motion, for he believed the Bill would effect a wise and just settlement of a question which, if not speedily adjusted, bade fair to destroy the present harmonious working of the great majority of the Irish Poor Law Boards, and to divide into two antagonistic religious parties men who had hitherto acted cordially together for many years past, who had learnt to respect and esteem each other, and to exhibit that mutual forbearance which was essential for the proper administration of the Poor Law in Ireland. In the north of Ireland it might be assumed that the parents of every deserted child were either Roman Catholics or Presbyterians; and therefore it did not seem just to register their child as a member of the Church of England. Each of these cases ought to be decided separately and on its own merits, but this could not be done by the State, and must therefore be left to boards of guardians. Another object which the Bill had in view was to provide greater attention to these poor children, by far the larger number of whom, at present, died at avery early age. It was extremely difficult to rear in a poor house children separated from their mothers at such an early age; but it was believed that if placed out to nurse the greater number of them would survive; and a clause in the Bill therefore empowered the guardians, if they thought fit, to take this step.

MR. GROGAN said, that no one could complain of the tone in which his hon. Friend the Mover and the noble Lord the Seconder of this Motion had dealt with the question; but their proposition came to this—that the law of the land ought to be changed to meet the views of those who objected to the present system of registering deserted children. If these children were not registered as Protestants the opinion of Chief Justice Blackburne must be upset. Mr. Blackburne was at present Lord Justice of Appeal in Ireland; he had for some years filled the office of Lord Chancellor there, and it was well known that there was no more competent opinion on matters of this kind. It was said by his hon. Friend that Mr. Justice Keogh had delivered an opinion the other way. But was it so? What was Mr. Keogh's opinion? Why, that where it was shown that the child had been baptized in a particular religion, it ought to be presumed that its parents were of that religion, and be registered accordingly. The simple point before the House was whether they were prepared to repeal the established law of the land, as interpreted by one of the most eminent legal gentlemen in Ireland, merely for the purpose of accommodating some of the boards of guardians in the south; and he called upon hon. Members therefore, not under the pretence of restoring harmony and doing away with the bickerings and heartburnings which now existed, to introduce an element which must inevitably lead to those very consequences. Adopt this measure, and enact that boards of guardians should have the power at any of their meetings to declare the religion in which a deserted child should be brought up, and the result would be that on such occasions as there happened to be a minority of Protestants present the board would order the child to be reared as a Roman Catholic; and whenever there was a majority of Protestants present they would order it to be brought up as a Protestant; for he knew well what efforts were constantly made in Ireland to encompass these children, and that cases came before the law courts almost every term for their possession—especially when there was any property at stake. They were asked to repeal the present law; but were they disposed to do that upon probabilities? He agreed with the noble Lord who seconded the Bill, that where the religion of the relatives of the child could be ascertained the child ought to be educated in that religion. No one wished to commit an outrage on the feelings of persons professing the religion to which the child belonged; but it was a totally different thing where there was nothing to guide the boards of guardians in arriving at a decision as to what religion it should belong to. They must have a rule then; and the question was whether it was to be the fluctuating one of a Protestant majority to-day and a Roman Catholic majority to-morrow. Let them adopt that rule, and it became a necessary element of interminable contests, confusion, and disputes in the board of guardians. The other portion of the Bill enabling boards of guardians to send the children out to nurse was equally objectionable. A deserted child would be brought into the workhouse; it passed the register; a nurse was wanted for it out of doors. "Who," said one of the board, "was so fit and proper as that fine young woman there?" The suggestion was at once acceded to, and the child was handed over to a person who might in reality be its mother. He also contended that the bringing up such children to a trade would be an injustice to the honest and industrious poor who endeavoured to maintain their families without parish relief. He would move as an Amendment that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MONSELL [who rose amid cries for "Lord NAAS"] said, he thought it was incumbent upon Her Majesty's Government to declare what their opinions were upon a subject so important as that under discussion.

MR. DOBBS moved the Adjournment of the debate. [Cries for "Lord NAAS!"].

MR. BERNAL OSBORNE thought the Government were bound to state what were the opinions they entertained with respect to the question. But notwithstanding the expression of the sentiments of the House in that respect, the noble Lord opposite (Lord Naas) and the Attorney General for Ireland seemed, like Theseus, immovable. *Sedet æternumque sedebit.* He for one called upon the Government to state their views upon the subject. The noble Lord and his colleague appeared to be determined to remain silent with respect to it, but if they persevered in that course, the Roman Catholic Members could have no difficulty in coming to a conclusion as to what their intentions really were.

LORD NAAS said, he could assure the hon. Gentleman and the House that there was no indisposition whatever on the part of the Government to declare their opinion on the proposal contained in the Bill; but he would remnd the House that it was not until a quarter to five o'clock that his hon. Friend had risen to make his statement on the second reading of the Bill; that no statement was made upon its introduction, and that the first word which had been uttered in its favour was that very afternoon. Subsequently an hon. Gentleman moved, as an Amendment, that it should be read a second time that day six months; and he believed it was no unusual occurrence for the Government to refrain from expressing their opinion immediately on the mover of an Amendment sitting down. He put it to the House, then, whether at twenty minutes to six o'clock, with but five minutes left before the Adjournment of the debate would be put from the Chair, it was possible to discuss the Bill in a satisfactory manner. He did not wish to conceal his opinion in the least degree. He thought the matter was one that deserved consideration. The question with which the Bill dealt was one, he readily acknowledged, which ought to be settled; but the way in which it was now proposed to settle it was not the right way; and he feared that if this Bill were passed into a law, the result would be to create still more ill-feeling, acrimony, and dissension than now existed, and increase to an enormous extent the very evils they desired to remedy. At the same time, he wished it to be understood that he was far from saying that the present state of things with regard to these children was satisfactory. The opinion of the law officers had been given in favour of the view which many persons took, that the children ought to be brought up in the religion of the State; and he was not prepared to say that that was not a correct opinion. Still it was a matter that required consideration, and the House had a right to demand that full opportunity should be afforded for that purpose. When the proper time arrived he should be able to show that there were other means of settling the question, and that the measure now proposed, so far from effecting that result, would only lead to irremediable confusion, and create a lasting sore. Under these circumstances, at that advanced period of the day, he should certainly support the Motion for adjourning the debate.

MR. J. D. **FITZGERALD** asked whether the measure which had been introduced by the Government the evening before for the amendment of the Poor Law in Ireland, made any provision for the settlement of the question under discussion?

MR. **WHITESIDE** could assure the hon. Member for Dovor (Mr. Osborne) that the Government had no desire to hide their opinion upon this subject, though the hon. Member was scarcely justified in assuming the tone he did when he said to them, "Why do you presume to be silent when I desire you to speak?" He did not understand that Mr. Justice Keogh differed substantially from the opinion which had been pronounced by his learned Colleague on the bench; but if those learned persons differed upon the law or the application of the law to the facts, that was reason sufficient of itself why the question should be fully and maturely considered. So far as the present measure was concerned, he believed that if it were agreed to the result would be to increase instead of diminish confusion in litigation. In answer to the question of the hon. and learned Gentleman (Mr. J. D. FitzGerald), he did not believe there was such a clause as that to which the hon. Member referred in the Bill for the amendment of the Irish Poor Law, which had been introduced in his (Mr. Whiteside's) absence from the House. At all events, that Bill would be shortly printed, and the hon. Member would then be able to see what its contents were.

Debate adjourned till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 24, 1859.

MINUTES.] *Sat First in Parliament.*—The Lord Thurlow—after the Death of his Father.

PUBLIC BILLS—2ª Evidence by Commission; Oaths Act Amendment.

3ª Consolidated Fund (£1,222,383 8*s.* 9*d.*); Consolidated Fund (£11,000,000); County Courts; Convict Prisons Abroad.

THE COMPANIES ACT (1859) BILL.

[FORMERLY TRADING COMPANIES WINDING-UP BILL.] RE-COMMITMENT.

Moved, That the House do now resolve itself into a Committee.

EARL **GREY** inquired if the noble Earl the President of the Board of Trade could give the House some explanation with regard to the working and results of the Limited Liability Act.

THE EARL OF **DONOUGHMORE** said, he was afraid he could not give the noble Earl all the information he required; but he would with the aid of the Returns of the Registrar of Joint-Stock Companies give all that he could. The first Act enabling joint-stock companies to constitute themselves with limited liability passed in 1855. This Act extended only to England, and excepted banking and insurance companies. In 1856 another Act passed, giving increased facilities, and admitting companies to the privilege of limited liability on the mere registration of a memorandum of association. Banking and insurance companies were still excluded, but the Act extended to the whole of the United Kingdom. In 1858, banking companies were admitted under special restrictions, and the Bill now before your Lordships proposed to admit insurance companies to registration with limited liability. The number of companies registered under the Act of 1856 was 1,098 with a nominal capital of £75,442,887. Of these 68, with a capital of £7,439,000 had been dissolved, some by the voluntary action of the shareholders, others by the adverse proceedings of creditors; and there remained in apparent existence 1,030 companies with a nominal capital of £68,000,000. Many of the companies had not made any return. There was a penalty of £5 a day for not making the Return, but when a limited liability company had spent all its capital it was impossible to enforce the penalty. Of these 1,030 companies he had ascertained that 207, with a nominal capital of

£13,000,000, were three months in arrear of Returns, so that assuming that these 207 had ceased to trade, the actual number of companies now trading would probably be 823, with a nominal capital of nearly £55,000,000. With regard to the question as to how the system had worked, he could not pretend to give any accurate statement; as far as he had been able to ascertain the great majority of the companies that had been dissolved had been dissolved by the voluntary act of the shareholders themselves. There were a great number of others that had ceased to trade, though not formally dissolved. A company that had limited liability was obliged to have the word "limited" on all the bills and documents it issued, and in other ways to announce that it was thus constituted; and the effect of that was, that the public was extremely careful in giving them credit. Perhaps it would be worth while to consider the effect which this change of the law had made in companies without limited liability. It appeared that 361 companies, with a nominal capital of £9,439,436, formerly carrying on business with unlimited liability, had been registered under the Act of 1856. Since the passing of the Act only fourteen companies, with a nominal capital of £181,000 had been formed without limited liability; and sixteen with a nominal capital of £1,227,000 had been dissolved; thus leaving 359, with a nominal capital of £8,393,536; of which 101, with a nominal capital of £3,063,884 were three months or upwards in arrear with their returns. So that there were probably remaining 258 with a nominal capital of £5,329,652. With regard to the effect of the Act of 1858 upon banking companies, by the same Returns he found that there were at present registered under the Act, with unlimited liability, eleven banking companies, with a nominal capital of £4,317,750; but of these two, with a nominal capital of £1,167,750, had been registered for the mere purpose of dissolution. Thus, there were nine banking companies with unlimited liability, now working under the Act, with a nominal capital of £3,150,000. Two banking companies only had availed themselves of the Act of 1858, and had obtained limited liability, they were not, strictly speaking, English banking companies; they were the Agra and United Service Bank, with a nominal capital of £2,000,000, and the Bank of Tunis, with a nominal capital of £100,000—together £2,100,000.

The Earl of Donoughmore

Lord OVERSTONE thought it the imperative duty of Government and of Parliament to watch with jealous and vigilant attention the operations of great commercial changes; but he very much feared that the time had not yet arrived for forming a comprehensive or safe judgment on the alteration now under discussion. Great changes in commercial law were like great changes in the cultivation of the soil; it was impossible to learn fully and accurately the result of the change until a complete cycle of the seasons had been passed through. Doubtless we had the returns quoted by the President of the Board of Trade; but whilst thankful for the facts thus laid before us we must still regret that the official sources at his command were not sufficient to afford more full, accurate, and instructive information. There were, however, circumstances from which some useful information might be gleaned and some warnings obtained. From the noble Earl's statement it appeared that in round numbers, 1,100 companies had been registered under the privilege of limited liability. It had been ascertained with certainty that of this number from sixty to seventy had been wound up; and there was a strong presumption that 200 more, or thereabouts, were defunct for all practical purposes. That would leave something more than 800 of those companies to be accounted for. Well, of this 800 there could be no doubt that some considerable number would have existed under unlimited liability if the old law had remained. He thought, then, we might safely conclude that there yet remained in comparative activity from 500 to 600 companies generated under the Limited Liability Act, and which would not have come into existence but for that Act. The President of the Board of Trade however was unable to state what was the amount of capital paid up of those companies, on what proportion of the shares the capital was paid, and on what proportion of the shares the calls remained unpaid. He was also unable to state in which of the companies the calls had been wholly paid, in which paid partly, and in which not at all. Neither could he give any information as to how much of the capital had been lost, what had been the consequent suffering inflicted on the shareholders, and other details necessary to a conclusive judgment on the permanent effects of the new system of commercial legislation. There were facts, however, within reach, from which some though imperfect instruction might be derived.

When the Act was under the consideration of the Legislature he felt it to be his duty to offer to it all the resistance in his power, under a deep conviction that the measure was founded on dishonest principles as regarded the obligations between debtor and creditor in the trading world. The limited liability principle, he then contended, offered facilities for fraud; it enabled speculators to present a specious but delusive snare to the ignorant and confiding, offering an inducement to placing small earnings at the disposal of the reckless advenurer, and thus involving the uninstructed and confiding owners in ruin. And how far had those apprehensions been verified by results? He would not weary their Lordships by accumulating instances, but he would quote a single case, which might be taken as a type of the whole class of cases. Not many weeks since there appeared in the public papers, the usual record of proceedings in the Bankruptcy Court. The very name of the case was suggestive of the result. It was headed, "*In re* the Bog Mining Company." In the official Return the company was described as constituted with a capital of £30,000, subscribed for the purpose of prosecuting mining operations in the parish of Wentmore, in Shropshire. What were the facts? The proceedings in bankruptcy were instituted by Thomas Mitchell, of a parish in Sussex, farm labourer, who petitioned for a winding-up order. The affidavit set forth that the company was projected by the manager, in the form of 20,000 shares, at 30*s.* each. The petitioner became a holder of forty shares, all of which were paid up. He was an ordinary farm labourer, and the £60 paid up by him was probably the result of the savings of his honest labours during a whole life. Well, he alleged that the whole of the capital was spent, and debts incurred to the amount of £500; that the shares had been paid up in unequal proportions, and the assets dealt with in a manner wholly unauthorized, for the personal advantages of the manager; that the manager had signed for 15,620 shares, but he never paid so much as a shilling in respect of them, yet he had sold them and applied the proceeds to his own use. In the year 1857 the manager prevailed on the directors to pass a resolution that 3,000 shares should be allotted to him for securing the mine, and that all of those shares above that number, not having been paid up, should be declared forfeited. The manager afterwards sold and disposed of many of the 3,000 shares, and caused the names of the purchasers to be duly registered; and that such resolutions and proceedings, the petitioner alleged, were wholly unauthorized by the articles of the association. The directors had had shares given to them to qualify as directors; and in this way the manager had the entire control of the company. Most of the shareholders were in humble circumstances, and they had been induced by the reports of the proceedings of the company to accept the shares, believing them to be *bonâ fide* investments for their small savings. Three-fourths of the property had been wasted. The counsel who appeared to support the petition mentioned other circumstances, one of which was, that of the 145 persons in humble circumstances who had taken shares, seventy-six were servants — butlers, footmen, cooks, and so on—in the neighbourhood of Eaton Square. Mr. Lawrence, for the shareholders, said, "That by consenting to the petition the directors avoided disclosures of an unusual character." He quoted that case as the type of a large class, and no one of right feeling could contemplate it without sympathy and sorrow for the unfortunate shareholders. The very next day there was a similar case reported; but the company in this case bore a more ambitious style and title. It was the "East India Company, Limited;" and the only remark which the case elicited was that it was fully entitled to the appellation "limited," for it existed only six weeks. Again, on Saturday last there appeared two more of these cases in the Court of Bankruptcy. One was the "Metropolitan Saloon Omnibus Company," and another company—the type was so small he could not read the name—for carrying on some smelting operations. In the first of these cases the proceedings (a Motion for a winding-up order) were adjourned for a month; but it was naively stated by the counsel that in these companies the first act was invariably to seek a secretary, and that that being done, it was quite surprising with how small a capital they were enabled to obtain credit. What must be the effect of spreading throughout the country these short-lived companies, producing ruin among the shareholders, and throwing into confusion the long settled course of trade? Paley, in his celebrated chapter on the wisdom and benevolence of the Deity, sought his favourite illustration from the case of those animals which, born with the first dawn of morning light, and terminating their existence with the setting sun, pass their brief life in uninterrupted vigour and happiness. Apply that principle to the present case. What must we think of the wisdom or of the beneficent results of that system of legislation which fills the trading world with a mass of short-lived and ephemoral concerns—measuring their existence, not by those lengthened periods which characterize really sound and useful concerns; but maintaining themselves only for weeks, or at most for months, and during this short period disturbing the legitimate arrangements of trade and causing loss more or less severe to the shareholders and to all who trust them. If the sense of full responsibility as necessarily associated with full appropriation of the profits be removed or weakened, as is the case in companies constituted under limited liability, trading associations must, of necessity, discard those prudential considerations which alone prevent them from degenerating into reckless speculations. He had on a former occasion expressed his apprehension, that under the influence of this principle, parties, prudent and successful in the conduct of their private concerns, would, when associated under the demoralizing influence of limited liability, at once forget their habits of caution, and involve themselves in all the consequences of reckless speculation. In verification of this, he would now ask their Lordships' attention to the case of a large concern of immense capital, and conducted by parties of the highest respectability and greatest prudence in the management of their own private concerns. He referred to the European and Australian Royal Mail Company, the directors of which had squandered nearly £700,000. The facts of this case rested upon unimpeachable testimony, which, with their Lordships' permission, he would read:—

"The European and Australian Royal Mail Company was formed about September, 1856. It originated very much through the success of some influential parties in Glasgow who realized a large sum by chartering two screw-steamers to Government during the Crimean war. These vessels were named the *European* and the *Columbian*, and the company was named the European and Columbian Company. Soon after the close of the Russian war, Government advertised for tenders for the Australian Mail service. One given in by the European and Columbian Company was preferred to a cheaper one by the Peninsular and Oriental Company, the annual subsidy for carrying being £185,000 with monthly services, and the contract to endure for five years. The penalty for the non-fulfilment of the contract was heavy, increasing prodigiously with each day's delay. In consequence of this great undertaking, it was necessary to enlarge the company and greatly to increase the number of its vessels, and, accordingly, a new company was formed on the limited principle, under the name of the 'European and Australian Royal Mail Company (limited),' whom Government accepted for the contract. The nominal capital was £500,000, but I believe not more than £420,000 were subscribed, the balance being purposely reserved, as the promoters expected it to command a large premium. The list of proprietors is one of the best I have seen of any company, all the shareholders, eighty-four in number, being selected men residing chiefly in Glasgow and neighbourhood, London, Liverpool, and Manchester. £400,000 were ultimately paid up. The first meeting of the new company was held on the 3rd of September, 1856, but it was of course some months before their plans got developed, and time was lost in negotiation with other companies to sell their contract for a bonus, or to get some other advantage. As this was not arranged the *European* and *Columbian* were taken over from the old company, other vessels were chartered for immediate requirements, a vessel called the *Oneida*, by which £60,000 were ultimately lost, was purchased, and two other vessels contracted for at £100,000 and £120,000. It was soon apparent that the company had started with too small a capital, and that there was a total want of experience in the management. Establishments had to be organized in Glasgow, London, and Southampton, in the colony, the Mediterranean, and the Red Sea, which required large outlays of money, and, to be efficiently done, much experience and judgment. It was also found that the time within which each monthly passage was contracted to be performed was too short, and that the penalties were too heavy, and further that the class of vessels was too large to be filled up with passengers and light goods. After borrowing considerable sums upon the security of their vessels and otherwise, the directors found that it was necessary to make arrangements with another company to work the service, which they ultimately did with the Royal Mail (West India) Company. An arrangement for an amalgamation of the two concerns was also very nearly completed, when the shareholders of the latter company refused to confirm the bargain made by the directors. This and the events of last autumn (1857) brought matters to a crisis, so that almost within a twelvemonth of the formation of the company it was known that they were practically insolvent, and they have since placed themselves under the Act and gone into voluntary liquidation. Besides the loss of £400,000 of capital, the debts including mortgages appear to be about £270,000, against which they have the steamers, subject to some disputed claims of the Royal Mail Company, in whose hands some of them are. There is some hope that the steamers may realize sufficiently to pay the debts, but in the present state of shipping and aspect of the questions with the Royal Mail Company this seems to be doubtful. The following appear to be the heavier items of expense and loss:—Abandoning steamers, £25,000; placing steamers on stations, £37,000; loss on voyages, £70,000; interest, management, and depreciation, £77,000; loss on *Oneida*, and expense of bringing home, £61,000; total, £270,000; but there will be a further heavy loss in realizing the four steamers still belonging to the company, and the plant they have at Sydney—King George's Sound, Aden, and Point de Galle. These stand in the books at about £370,000, at least they did so on the 30th of April last. The result of this unfortunate concern is like many others, not creditable to the management; all the directors hold large interests in it, and became responsible for some of the debts, along with various of the shareholders. The undertaking of such a serious contract by inexperienced parties was most absurd, and the attempt to carry it out, without the aid of parties having the knowledge and resources of the peculiar kind required, was worse."

Such is the report which has been furnish to me of the fate of this great company, and which I submit to your Lordships in confirmation of my prediction that the sense of limited liability must, even under the most favourable circumstances, tend seriously to weaken those habits of caution and prudence which are essential to the stability and success of trade. In this case the money had been lost only by the parties concerned, and their loss might be said to be a just penalty upon their rashness and want of judgment. But he need not remind their Lordships that the aggregate wealth of the community consists of the separate wealth of each individual, and the aggregate amount of such losses forms a serious diminution of the national wealth. Another point worthy of consideration was the derangement produced by the operation of these companies upon the sound and legitimate concerns of the prudent trader. He was anxious to ascertain whether there was any case of a joint-stock company the creditors of which had not been paid in full, and in answer to his inquiries he had received the following letter from a gentleman who had an official and accurate knowledge of the facts:—

"In answer to your inquiry, whether I have knowledge of any joint-stock company (limited) the creditors of which have not been paid in full, I submit to you the case of the West Ham Distillery Company. The company was formed in May 1856, with a nominal capital of £200,000, in 20,000 shares of £10 each, upon which a deposit of £2 per share was to be paid on allotment. Only 1,500 shares were subscribed for, and deposits paid thereon of £3,000, when in September, 1856, the directors entered into a contract to pay £50,000 for the purchase of the distillery, to be completed according to specifications, payment to be made to the contractor in 10,000 shares of the company, representing £2 per share as if paid up and the remaining £30,000 in cash as the works might be completed. But, as there was not sufficient cash for works of such magnitude, bills were given in lieu thereof, and renewed from time to time as they became due, till at length, in December, 1857, executions were levied upon the distillery, the difficulties of the company became overpowering, and a petition was presented to the Court of Bankruptcy for a winding-up order. Between the formation of the company in May, 1856, and the winding-up order in December 1857 (independent of the 10,000 shares already referred to as issued to the contractor), the total shares issued were 4,780 to 108 shareholders, of whom 68 have paid in full, 35 have paid in part, and 5 have made no payment whatever. Among the latter are the four directors of the company, one of whom, however, alleges he is a creditor. Altogether there has been paid by the shareholders £11,912 against calls made to the full extent of their liability, leaving £35,888, for the most part irrecoverable, still due from them. The debts and liabilities of the company have been estimated at £78,000, upon which such a sum has been paid into court as will suffice to pay the creditors 2*s*. in the pound. The result is that the shareholders have lost £11,912, being all their paid-up capital, and the creditors will lose upwards of £70,000."

He asked their Lordships to consider what must be the effect of multiplying trading concerns of which he had given them such examples, many of them concocted and undertaken in such a manner that whatever of profit might accrue from them would find its way into the pockets of the promoters, while the heavy weight of the losses would fall upon others. The noble and learned Lord, not content with limiting himself to the object he proposed to undertake—namely, the consolidation of the laws as they now exist—had sought to introduce a new and still more complicated form of limited liability. He did not pretend to understand the full effect of the proposed provision, but he put it to their Lordships whether they had yet had sufficient experience to induce them to go further in this matter? For himself, he believed the good sense of the community would repudiate the proposal to develope still further the very questionable and dangerous principle of limited liability.

Lord STANLEY of ALDERLEY begged to remind their Lordships that all the arguments used by the noble Lord who spoke last had been urged three years ago when the Bill for limiting liability was introduced; and that although a few cases of fraud might have occurred since the passing of the Act, there had been nothing to justify the prognostics of the noble Lord. Had they, he asked, heard of any gigantic frauds committed upon shareholders under the new law, at all similar to those which had been committed by private individuals and by joint-stock companies with limited liability? Look at the frauds which had been committed by the Western Bank of Scotland, the Royal British Bank in London, and by individuals such as Paul, Strahan, and Co. The fact that so few examples could be cited where injury had been done to the interests of creditors, was, he thought, one of the best proofs of the advantages of limited liability, which he thought, on the whole, had worked satisfactorily.

Earl GREY said, so far from agreeing with his noble Friend (Lord Stanley of Alderley), he thought with his noble Friend (Lord Overstone) that, considering how short a time the new law had been in operation, they had already seen great reason for apprehending danger from its working. In his (Earl Grey's) opinion it tended to rash speculation, and would entail grievous loss upon individuals. Why then stimulate a desire for speculation, and give facilities for deluding the unwary to enter upon such transactions? It had been shown that business was already carried on by companies with limited liability which ought to be entrusted to individuals. He was, however, in hope that what had passed that evening in their Lordships' House would not be without some effect in preventing the evil effects of the present law, and that it would be a caution to people not to entrust one shilling to a company with limited liability. For himself, he should act upon that principle, and if a check upon any bank having limited liability were paid to him, he would hardly keep it the necessary time that must elapse before he could present it.

The Marquess of CLANRICARDE called attention to the fact, that although the noble Lord (Lord Overstone) and the noble Earl who spoke last had dwelt upon the evils of limited liability, they had not said a single word about the advantages which had accrued from the introduction of the principle. Those companies had conferred great benefits, although those benefits had not been apparent to every eye; but he admitted they were not looked upon with great favour by large capitalists, upon whom they imposed a wholesome check.

Motion *agreed to.*

House in Committee accordingly.

Amendments made. The Report thereof to be received To-morrow.

MEDICAL ACT (1858) AMENDMENT BILL.

House in Committee.

Lord CRANWORTH moved the insertion of a clause to provide that nothing in the Act of last Session, of which this was an Amendment, should prevent any foreigner, who should have obtained from a foreign University a degree or diploma of doctor in medicine, or who should have passed the requisite examinations, entitling him to practice medicine in his own country, from being the resident medical officer of a hospital established in this country exclusively for the relief of foreigners in sickness. For the necessity of such a provision he would refer their Lordships to the German Hospital at Dalston, where about 200 poor patients were received, who were Germans; and he had been told by the royal Duke, the Commander-in-Chief, who took great interest in the institution, that nine-tenths of them could speak nothing but German. It was absolutely necessary that the resident medical officer should be a German, in order to communicate with those poor people in his native language, and the only person whose services could be obtained was some young German physician who, after having passed his examination in Germany, might be willing for two or three years to accept such a position in London, for the very small remuneration the hospital could afford, with a view to gain experience by practice.

After some conversation Lord Cranworth withdrew his Motion, on the understanding that he should move the clause on Report.

Amendments made.

The Report thereof to be received To-morrow.

House adjourned at Seven o'clock,
till To-morrow, half-past Ten
o'clock.

HOUSE OF COMMONS,

Thursday, March 24, 1859.

Minutes.] Public Bills.—2° Masters and Operatives; Ecclesiastical Courts and Registers (Ireland); Patents for Inventions (Munitions of War); Common Rights, &c., (War Department).

THE DIVORCE COURT.

QUESTION.

Mr. JAMES said, he rose to ask Mr. Attorney General whether the attention of Her Majesty's Government has been drawn to the large arrear of Causes waiting for judicial decision in the Divorce and Matrimonial Causes Court; and whether they are prepared to propose any measure, by the appointment of additional Judges or otherwise, to remedy the delay now so much complained of.

The ATTORNEY GENERAL said, his attention had been for some time past directed to the subject to which the question of his hon. and learned Friend referred. It was however a subject attended with considerable difficulty. By the Act of Parliament under which the Court was constituted power was given to summon to its aid the Chief Justices and the other Judges of Common Law sitting in the Superior Courts at Westminster; but it was found that, by reason of their other numerous and important duties, their attendance at this new tribunal in adequate numbers and with sufficient frequency was wholly impracticable. Under these circumstances he thought it would be better to make certain inquiries, and upon the result of those inquiries, which would come before them in a few days, he proposed to submit the whole matter to Her Majesty's Government, who he was sure would take it into their serious consideration.

ROMAN CATHOLIC SAILORS.

QUESTION.

Mr. SERJEANT DEASY said, he would beg to ask the First Lord of the Admiralty whether he has received any communications complaining of any alleged undue interference with the religion of any of the Sailors serving on board Her Majesty's Ship *Ajax* at Kingstown; and whether he has caused any inquiry to be made into the truth of such complaints?

Sir JOHN PAKINGTON said, in answer to the question he had to state, that he did receive a communication complaining of some alleged interference with the religion of sailors on board the *Ajax*. He, in consequence, directed inquiries to be made, and he was bound to add that, as far as he was informed from the result of those inquiries, he did not think there was much ground for the complaint.

SLAVE TRADE.—THE "PHŒNIX."

QUESTION.

Mr. KINGLAKE said, he wished to ask the Under Secretary of State for Foreign Affairs whether any negotiation is pending between Her Majesty's Government and the Government of France with respect to a French vessel called the *Phœnix*, of Nantz, alleged to have been prevented from taking slaves from the West Coast of Africa by Her Majesty's Steam Sloop *Alecto*, and also whether there will be any objection to lay the Papers relating to this matter upon the Table of the House?

Mr. SEYMOUR FITZGERALD said, that it was not correct to say that negotiations were pending between Her Majesty's Government and the Government of France in reference to the *Phœnix*. But representations had been made by the French Government in reference to the conduct of the Commander of the *Alecto* in boarding the *Phœnix*, a vessel which was engaged in procuring labourers for the French Colonies, a question which had of late been the subject of so much discussion. Her Majesty's Government had directed the whole case to be inquired into, and the hon. Gentleman must be aware that until the inquiry was completed it would be impossible to lay the Papers before the House.

CONTRACTS FOR STATIONERY.

QUESTION.

Mr. TURNER said, he rose to ask the Secretary to the Treasury if his attention has been drawn to an advertisement in some of the London Newspapers of the 10th instant from the Commissioners of Inland Revenue, inviting tenders for 1,250 reams of paper, for Postage Envelopes of an unusually large size, and for which the said Board do not bind themselves to accept the lowest tender; whether the Government have considered and sanctioned the propriety of any of the Public Departments being at liberty to contract for the supply of Paper or Stationery, either for the public service or to be sold to the public, without reference to the cost of the article instead of the contract being made in the usual manner by the Comptroller of Her Majesty's Stationery Office with the party who may send in the lowest tender.

Sir STAFFORD NORTHCOTE in reply said, he had seen the advertisement to which the question of the hon. Gentleman referred. The matter was not one that had ever been in the Department of the Comptroller of Her Majesty's Stationery Office. All the paper used for the supply of the Public Departments had always been obtained through the Stationery Office by way of contract, the practice being to accept the lowest tender. But with regard to the Postage Envelopes, the

Board of Inland Revenue had been in the habit of providing the paper for the purpose of selling it to the public; and in the course of last year complaints were made to the Post Office that the paper sold was so thin and transparent that people were able to read the letters inclosed in it. Representations had likewise been made that it would be better if some diversity were adopted in the size of the envelopes. The consequence was that the Board of Inland revenue had issued advertisements inviting tenders to supply this article. The Board had not thought it expedient to bind themselves to accept the lowest tender, because the quality of the paper might not be suitable, or the securities of the person offering to contract might not be satisfactory. The Government would not be involved in any loss by this transaction, because the charge made to the public for envelopes was sufficient to cover all expense, and if the paper passed through the Stationery Office exactly the same thing would be done.

REMUNERATION TO WITNESSES. QUESTION.

Mr. POWELL said, he would beg to ask the Secretary of State for the Home Department whether a Report has been received from the Commission appointed to revise the scale of remuneration to witnesses and professional men engaged at assizes and sessions; to what portion of the matters referred such Report, if partial, extends, and whether the Government intend to introduce a more liberal scale of remuneration to witnesses and professional men so engaged?

Mr. SOTHERON ESTCOURT said, that the Commisioners had last year made a partial and preliminary Report on the subject referred to them, and he hoped their final Report would be ready for presentation in a short time—certainly before the close of the present Session. Until, however, that final Report had been received no action could be taken upon it by the Government. He had entire confidence that the Report would be satisfactory to the country.

THE REFORM BILL.—QUESTION.

Mr. MITCHELL said, he would beg to ask Mr. Chancellor of the Exchequer whether the Government is to be understood to persist in maintaining the uniformity of the town and county franchise as the principle of its Bill for the Reform of the Representation of the people?

The CHANCELLOR of the EXCHEQUER: Sir, the question addressed to me by the hon. Gentleman is not precisely that which he first put upon the Paper, but I have no objection to reply to it. It is impossible, however, for me to give a categorical answer to a question of this kind addressed to me at this moment. It would demand a statement, both of argument and of detail, which could not be compressed within the legitimate scope of a reply to a question put to a Minister on this occasion. But, Sir, this I will say to the hon. Gentleman, that when I introduced the Bill for the Amendment of the Representation of the People it was the opinion of my Colleagues that there was no provision in that measure which might not in Committee be beneficially submitted to that calm and impartial consideration, which the House had pledged itself to her Majesty to give to this question, and without which pledge on the part of this assembly, considering the circumstances under which we acceded to power, that Bill would certainly not have been introduced.

MASTERS AND OPERATIVES BILL.

Bill read 2^a, and *committed* for *Wednesday* next.

REPRESENTATION OF THE PEOPLE BILL.

SECOND READING—ADJOURNED DEBATE—THIRD NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out from the word "That," to the end of the Question, in order to add the words—

> "This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the word sproposed to be left out stand part of the Question."

Debate *resumed.*

Mr. MILNER GIBSON said, that he was desirous of addressing to the House a few observations upon the measure submitted to their judgment by Her Majesty's Government, and also upon the course which they were invited to pursue by the noble Lord the Member for the City of London. They had heard three speeches in support of the Bill from three Members of the Government, and, although admitting the great ability and eloquence of those speeches, he had been somewhat disappointed at finding them deficient in one important particular. They contained no information as to what advantage would be conferred upon the country, and what improvement would be produced in the existing constituencies of England and Wales by the adoption of the Government measure. In the speech of the noble Lord the Secretary of State for India (Lord Stanley) he found a great deal of close reasoning in a somewhat narrow field, but in no part of it did the noble Lord tell the House what would be the probable result of a general election with reference to the advantages to be produced, supposing that the project of law which had been submitted to the House were adopted. The right hon. Baronet the Secretary of State for the Colonies (Sir Edward Bulwer Lytton) went at great length and with much eloquence and ability into the Government project; but the latter part of his speech would have led a stranger to suppose that some question was before the House similar to that formerly introduced by the Duke of Richmond—a measure for universal suffrage, equal electoral districts, and annual Parliaments. The right hon. Baronet displayed to the House a sort of phantom of democracy; poverty and numbers were to rule education and property; but this seemed to him to be something like an artful diversion, calculated to excite their alarms, and to withdraw their attention from the question before the House,—namely, what was the character of the measure submitted to their notice, and what would be the effect of the changes proposed to be made in the constituencies of England and Wales. He had confined his meditations upon this subject within a very limited area, and in the observations he was about to make he should restrict himself to the only subject before them—the Bill of the Government, of course accompanied by the Amendment of the noble Lord the Member for the City. The right hon. Gentleman the Secretary of State for the Colonies told them that two preliminary considerations ought to be present to their minds before they entered into the merits of this measure of Reform. The first consideration, if he understood him rightly, was, that they must remember that it was a measure brought forward by a Conservative Government, and it could not be expected that such a Government would bring forward a measure of Reform wholly at variance with the principles of the Conservative party. He told them that there was a sentiment of party honour which should induce them to examine a measure of Reform coming from a Conservative Ministry in an indulgent spirit. Well, he admitted that there was force in that appeal as far as it related to the circumstances in which the Government was placed, but as a Member of Parliament he must, in regard to so grave a matter as Parliamentary Reform, consider as paramount to all others the question what would be the effect upon the country of the measure which the House was asked to pass. He approached a measure brought forward by the present Ministers without any prejudice whatever. He had seen them inclined to adapt themselves, as far as possible, to the circumstances and requirements of the day; nor did he know that county Members were always to be assumed incapable of supporting any but an anti-Reform Administration, because he remembered that the chief strength, or certainly a very considerable portion of the strength, for carrying the Reform Bill of 1832 was obtained from the county Members who were, after the dissolution, returned to support it. Therefore he, for one, did not at all hold the opinion that county Members were necessarily opposed to the principle of a free and fair representation of the people, and he would not turn away from the dispassionate consideration of this measure merely because it was brought forward by a Conservative Administration. Another point that had been dwelt on was that of time. The right hon. Baronet told the House that they should lose no opportunity of doing something in the cause of Reform; that the Government now furnished them with an opportunity of doing something; and that by passing the present measure, even though it were imperfect, they would gain in time what they would lose in quality. For his own part, however, he did not feel so excessively eager for Reform as to be disposed, for the sake of time, to pass any measure that in his conscience he believed to be injurious or imperfect. A great deal was said about settling the Reform question. What did that expression mean? Did it mean settling the Reform question without reform —getting rid of it upon any terms? That was not such a settlement as would go beyond the walls of that House, because he thought the country, when the word "settlement" was used, understood by it the passing of a rational, well-considered, and sound measure of Parliamentary Reform, which should extend political rights to a greatly increased number of all classes of the community. That was, he felt persuaded, what the country desired and expected, and he did not believe in the existence of the apathy about which we heard so much. There had been for years past a settled conviction that Parliamentary Reform was approaching, that public questions were discussed in these days with greater quiet and a more complete reliance upon simple reason and moral suasion than in former times. That circumstance might induce many to believe that in the tranquillity of the public mind they saw apathy, but the petitions that had crowded the table of that House so soon as the Ministers of the Crown had entertained the question of Parliamentary Reform, as well as the spontaneous meetings which had taken place over the length and breadth of the land, were a convincing proof that no such thing as apathy existed; but, on the contrary, that there was an earnest desire among the intelligent portion of the community to see the question of Parliamentary Reform placed upon a firm and secure basis. Having disposed of these two matters—the question of the Reform Bill being that of a Conservative Administration, and the necessity of settling the question somehow or another during the present Session, he would now proceed to consider what it was the Government proposed to do. He did not call the present Bill a Reform Bill. It was a measure for operating in a peculiar and novel manner upon the county and borough constituencies, making little or no change with respect to an extension of the franchise to those classes which were now excluded from its exercise, but transferring voters from one electoral area to another. It made little addition to the whole number of the electoral body of the united kingdom, though, no doubt it dealt to a considerable extent with the actual ingredients of the constituencies, both in counties and boroughs. He wanted the Government to tell the House clearly and plainly what good was to come to the country from the peculiar operation which they wished to perform upon the county and borough constituencies. He might put the question in another way, and that would lead him to consider the propriety of the Resolution which the noble Lord the Member for the City had submitted, as an Amendment upon the second reading of the Bill. The Government proposed to extend the £10 occupation franchise to counties, but upon two conditions—first, that there should be a withdrawal—for the future at any rate—of a portion of the freehold electors from counties; and, secondly, that there should be no reduction in the occupation franchise in boroughs. Such were the terms upon which Ministers were prepared to adopt the proposal of the hon. Member for East Surrey (Mr. Locke King). The noble Lord the Member for the City was favourable to the extension of the £10 occupation franchise to counties, only he would make a large portion of the occupation consist in houses, and the question he raised by his Amendment was whether the conditions proposed by the Government were such as would meet the approval of the House. If they were, then he said let the Bill go to a second reading, if such be the pleasure of the House; but if they were not, then there could be no use in proceeding further with the Ministerial project, because it all hinged upon the conditions annexed to it. Now, for his own part he did not pretend to be well acquainted with Parliamentary forms and proceedings, but he had read the able work of Mr. May, who sat at their table, and had paid some attention to the subject, and he admitted that he had come to the conclusion with respect to Resolutions moved upon the second reading of Bills, that such a mode of proceeding was frequently very objectionable. But there were special cases in which that mode of proceeding was not only proper and Parliamentary, but the only effective way of proceeding, and he was of opinion that the present occasion was one in which the moving of a Resolution as an Amendment upon the second reading with the view of placing on record the special objections to the measure was strictly proper and Parliamentary. But to come to the merits of the question. The Government proposed these two conditions, the non-reduction of the borough franchise and the withdrawal of a portion of the freehold votes from counties as the terms upon which they would give a £10 occupation franchise in counties. But why was it proposed to withdraw any freehold voters from counties? The noble Lord the Member for Stamford (Lord R. Cecil) said it was by way of counterpoise. But if it be an advantage to add £10 occupiers as voters to county constituencies, why try to counteract the influence of that new class by any counterpoise, especially by the withdrawal of the freehold voters? We should lose to a great extent the benefit of the change which we were recommended to make, because, in one breath, the Government said they were going to add a valuable class of voters to counties, and in the next they proposed to counteract the influence of the new electors by withdrawing another class of independent voters from the same electoral areas. He did not understand that mode of dealing with Parliamentary Reform. We ought not to withdraw from counties one of the independent voters whom we had got there now. He held the opinion which was entertained by Mr. Fox, that our object should be to be able to bring into activity at an election the greatest possible number of independent voters. It was well known that the present Prime Minister some years ago stated in public, that if you told him the politics of the principal landed proprietors in any county he would tell you the politics of the county Member. That statement was too sweeping, for there were counties in which independent voters exercised a very great power in the return of Members to Parliament; but if it be true to any extent to say that a few great landed proprietors could, as it were, make counties mere nomination seats, why such a proposition as the present, that with the pretence of adding to the number of independent electors in counties withdrew a valuable class of independent voters, and so counteracted and neutralized the benefit which it pretended to confer? Now, he must say that the Government had not dealt very handsomely with his hon. Friend the Member for East Surrey, (Mr. Locke King.) They had adopted two of his proposals. Property qualification had been abolished, and now it was proposed to give a £10 occupation franchise to counties. But what were they going to do with East Surrey? They proposed in the present Bill to perform what he thought the Member for Sandwich (Lord Clarence Paget), would call a surgical operation of a very curious kind on the division of East Surrey. They were going to erect Croydon into an independent constituency, with new boundaries to be laid down by a Commission, and a considerable area round Croydon might be thus taken in. Croydon was to be erected into an independent constituency, and all the 40*s.* freeholders and £50 tenants at will there, who now voted for his hon. Friend in East Surrey, would, under the provisions of the Bill, vote for Croydon, and also all the 40*s.* freeholders within the limits of Southwark and Lambeth would be taken from the county. Now, unless some good public reason were shown for this very peculiar operation to be performed on the division of East Surrey, he did not think that the Ministers were behaving very handsomely to the hon. Member for East Surrey. He thought that what was proposed to be done with respect to the counties would be injurious to the county constituencies on the whole, and therefore, as the matter now stood, he could not be a party to any such arrangement. With respect to the boroughs, he was one of those, who believed—it might be an old-fashioned notion—that the maintenance of the distinctive character of the borough communities was a very important element in the English constitution. He knew that as an abstract argument a great deal might be said in favour of what were called mere electoral districts; but he feared that if the distinctive character of the boroughs which were allowed to exist were to be gradually broken down by merging them in the counties, a very valuable portion of the representative system would be lost. In his opinion a community residing together, acting together, and having local self-government, were thereby accustomed to turn their attention to public affairs, and communities of that sort were calculated to return a valuable class of men to that House, and so good a class of men would not be obtained from mere electoral districts as by the maintenance of the distinctive character of county and borough constituencies, though he did not say that boroughs might not be too small. Now, under the new Bill, the borough constituencies would be composed of precisely the same ingredients as the county constituencies, and he did not like the idea, though he admitted the close reasoning and able argument of the noble Lord the Secretary for India, of the creation of a set of non-resident voters for boroughs. The House was told that there was a clause in the Bill resembling the old Splitting Act, which would prevent the creation of faggot votes, but he was a Member of a Committee of that

House in 1846, he believed, and that Committee had occasion to go into the whole question of the creation of fictitious votes. Legal men of great experience told the Committee that it was quite impossible to prevent the creation of these fictitious votes by any law which might be passed, and that the old Splitting Act had been a delusion and was easily evaded. One solicitor said that he would defy the Legislature to pass a law which dexterous conveyancers would not be able to evade by the creation of faggot votes. Therefore it was an alarming proposition to give the means to persons at a distance, living perhaps in London—perhaps the Carlton or Reform Clubs, or other great political associations—it was an alarming proposition, he repeated, to give to those wealthy and powerful bodies the means of creating non-resident voters for boroughs, and of thereby altogether counteracting at elections the voice of the borough communities. Was that House to be a party to such measures as these, and for the sake of settling Reform? This measure would not settle Reform, but would produce universal dissatisfaction; and he agreed with his hon. Friend the Member for Birmingham (Mr. Bright), when he said, in one of his able speeches on Reform, that "there was no Bill so revolutionary as a bad Bill." Therefore, it behoved the House to hesitate before consenting to the present proposition. Let him ask what was the meaning of the doctrine of the right hon. Gentleman the Secretary for the Colonies in claiming for himself and his friends the merit of being the especial guardians of the middle classes? They were now, then, the friends of the middle classes, and no longer "the farmers' friends," as they used to be. If the cry now was to be "the friends of the middle classes," he conceived that nothing could be devised more dangerous than that a party in the State should base itself on the exclusion of the great mass of the working people from political power by arrogating to themselves to be the especial friends of the middle classes. For one he disliked the doctrine of being a friend to any particular class. He wished to see a free, fair, and full representation of the people, and he felt that unless the House was prepared to reduce the borough franchise, there could not be admitted within the electoral pale any considerable portion of the working classes of this country. If it be not right in the opinion of the Government to admit the working classes to any considerable share of political power, let that be openly declared, but let them not be mocked with this delusion of a franchise, founded on the possession of £60 in a savings' bank. Rather tell them that they were unfit, and that the time had not come for their admission. But if this were not the opinion of the Government, he maintained that there was no other mode that he knew of at present for admitting any considerable numbers of the industrial classes of this country to the exercise of electoral power, but by the reduction of the franchise in boroughs and cities. With these opinions how ought a Member to vote? The Bill was called a Reform Bill, and it was said that it might be amended in Committee, but it was not said that when material and essential Amendments were introduced, the Government would adopt them. When the ship was filled with the valuable cargo which his right hon. Friend the Member for Stroud (Mr. Horsman) would put in it, then the captain and crew would abandon it. What, then, was the use of trusting to Amendments in Committe? If the matter stood in a different position he should be the last man to argue in favour of any extreme course, and say that because a Bill did not contain everything that he approved, therefore it must be rejected on the second reading. But this was a totally different case. The Reform Bill must be viewed as a whole—as a well-considered scheme brought in by the Government; and the House could not deal with a question of that kind, affecting the highest interests of the nation, as it would with a turnpike Bill, in which Amendments on every clause might be introduced. Besides, the right hon. Member for Stroud would, after all, kill and destroy the Bill by slow torture. Would it not be better, then, to save the time of the House by disposing of the essential preliminary conditions by a division on the Amendment moved by the noble Lord the Member for the City of London? He said that such a course was fairest to the Government and the House. Hon. Members were not proceeding under any misconception; they knew now what they had before them, and what they were about to do. But if they went into Committee, as they were recommended to do, without any understanding as to what was to be adopted by the Government, and carried through Parliament, when the Bill came out of Committee they would be taking the most un-

Parliamentary and puerile course he had ever heard suggested with respect to the treatment of any great public measure. Invitations had been copiously poured out that other schemes of Reform should be suggested, in order that new issues might be raised to withdraw the attention of the House from the subject before it. He had confined his observations simply to the Bill and the Amendment. He would not travel from the question, and shadow forth schemes of Reform which, in his opinion, might be desirable, nor would he allude to the schemes of Reform which other hon. Members thought should be adopted. Parliamentary Reform was essentially a question that must be dealt with by the Ministers of the Crown. Parliamentary Reform must be carried—if it ever was carried—by a Government that had the confidence of Parliament; and his desire was, that they might live to see the day when, after the adoption of a good measure of Parliamentary Reform, they might have Governments that enjoyed the confidence of the House of Commons, and Houses of Commons that enjoyed the confidence of the country.

Mr. ADDERLEY said, he thought the House must feel considerable gratification that the right hon. Gentleman who had just sat down had at last expressed his opinions upon Parliamentary Reform, for during the last ten years that right hon. Gentleman had studiously maintained perfect silence in that House on the question of Reform; and even when an opportunity was lately afforded him of disburthening his mind before his own constituents, he with great discretion referred his audience to his hon. Friend (Mr. Bright) who sat near him. It must, however, be satisfactory to the House to have heard on this subject, not merely the personal opinion of the right hon. Gentleman, but the views of what was called the Manchester School, which had been placed before them for the first time in the course of this debate. The House had now at all events the whole issue before them and were acquainted with the views of every party. The right hon. Gentleman had criticized many features in this Bill, to which he had given the name of "conditions;" but they were features which the noble Lord had put forward by his Amendment as the principles of the measure. He thought the right hon. Gentleman did not seem to be aware what the real question before the House was, or what was the only issue that could be raised upon that question. He thought that the House would admit that in discussing the reform of the electoral system, so far as the extension of the suffrage was concerned, in England or in any free country, there could only be these two principles at issue—first, the principle of extending the electoral franchise with some qualification of fitness, which for want of any safer test always rested ultimately on the basis of property; and, secondly, the antagonistic principle of the extension of the electoral franchise without limit, and as a matter of equal right to all citizens, that is, on the basis of numbers. He was astonished that the noble Member for the City of London had been so far able to mystify the House as to lead it to suppose that any other principle could be at issue. If there were in this question of Reform any struggle of principles it must be ultimately that struggle between property and numbers which was inherent in every free community. There was nothing new in the struggle or unintelligible: it was the old struggle between the centuries and tribes of ancient Rome, the inevitable, perhaps insolvable problem how to reconcile the claims of the many and the much. The Reform Bill now before the House was based upon the first of the two principles he had mentioned, namely, that of a limiting qualification, and he was not surprised that it should be opposed by the right hon. Member for Ashton-under-Lyne (Mr. M. Gibson) who complained that no provision was made in the measure for the extension of the suffrage to all classes. The Government had not pretended to do so. That was not the principle which they held. That was the principle adopted by the right hon. Member; but he (Mr. Adderley) would like to know which of these principles was adopted by the noble Member for the City of London. That noble Lord must adopt the one or the other; he must advocate the extension of the electoral franchise with a limit of qualification on the basis of property, or as a matter of right on the basis of numbers. If the noble Lord adopted the principle of numbers, which was maintained by those sitting around him, let him not deceive himself or others as to the result which they contemplated. He must be prepared to go to the extreme length of it. He might halt for a time at any intermediate point, such as rating suffrage, but he must accept the same conclusion with those whose views he was adopting—namely, that of universal suffrage, and the corresponding substitute for independence—the Ballot. If, however, the noble Lord still stood by the old principle of the extension of the franchise qualified on the basis of property, he was opposing the Government on a false issue, because they held the same principle, and he was deceiving the hon. Gentlemen around him, with whom he appeared for the time to agree in principle, who must know, unless they were stone blind, after having been so frequently deceived, that the noble Lord would disappoint them in the end. He had carefully listened to what had fallen from the noble Lord, and he had refreshed his memory by referring to what he had said before, but still he was at a loss to understand which principle the noble Lord adopted. At one moment the noble Lord induced the hon. Gentlemen behind him to believe that he was in full agreement with them, but no sooner did they flatter themselves that this was the case than he intimated that in his opinion the lower classes were not to be trusted with the franchise. Were they to arrive at the principle of his present Motion from his speech? The noble Lord had told them, "I defended reform when I was young; I will defend it now that I am old." Was the meaning of that sentiment to be gathered from an emphasis upon the word "I?" Did the noble Lord mean, "I defended Reform when I was young, and I, and no one else, shall defend it now I am old?" When a Reform Bill, which it was admitted might be made a good one, was produced by a party notoriously most cautious of change, and when there was a golden opportunity for attaining at least some step in the way of Reform, the noble Lord turned his back upon the measure, merely because it proceeded not from himself or from his own party, but from men whom he arbitrarily condemned as unfit reformers. Judging from the noble Lord's conduct he should rather have said, "I defended reform when I was young; I will defeat it now I am old." No sooner was this Bill introduced than the noble Lord expressed his dislike to it, and asked Her Majesty's Government, "What have you to do with Reform?" In fact, the noble Lord treated Reform as if it were a monopoly in his hands and in those of his friends. He confounded measures with principles, and talked of a Reform Party, or no Reform party, with the same inappreciation of principle as the French papers show in talking of a War Party or a Peace Party. As far as he understood the noble Lord's opposition to the Bill, it was based upon points simply of detail and of degree, which were represented by him for the occasion as principles, while the right hon. Gentleman conversely concealed his opposition to principles by discussing the question as if it were merely one of degree. Take, for instance, the second point in the Resolution, the non-extension of the borough franchise. The noble Lord, as he understood, proposed a £6, or £8, while the Bill contained a £10 rental franchise; and the only point at issue, therefore, was the difference between these two amounts. The right hon. Gentleman (Mr. M. Gibson) on the other hand, spoke of a rating suffrage, proposing this, however, not as a final measure, but as a present step towards universal suffrage. Thus, both the noble Lord and the right hon. Gentleman each took a false issue, the one treating a difference between £8 and £10 as the essence of the Bill, the other concealing a really essential difference under the appearance of detail; and by a species of transverse reasoning found, as it were, a neutral ground for the purpose of upsetting the Government. If the noble Lord insisted in practically treating the second reading as a committal of the Bill he would mantain the £10 franchise as sufficiently low and preferable to £8. Supposing all the other franchises comprised in the Bill to be conceded, as well as the £10 occupation franchise, he would ask what man of industry and intelligence throughout the country need be excluded? In point of fact the Bill would amount to universal suffrage under the mildest possible check of industry and intelligence. What man in whom these qualities were united, and who really desired a vote, would not be able to obtain one? He (Mr. Adderley) only wished there were more who desired the possession of a vote. The existence of such a desire on the part of all working men was assumed; but was it really the working men who wished for the suffrage, or hon. Members opposite who desired to have both them and their votes in their own power. In point of fact, there were throughout the country a great number of persons who might register, but never did; and a great number who were registered, but never exercised the franchise. The hon. Gentleman (Mr. Bright), when lately addressing his constituents, and turning into ridicule the savings' bank franchise, drew a highly coloured picture of the working man, denying himself many innocent enjoyments in order to lay by sufficent money to qualify him for the franchise, and had spoken as though the last drop of gall in the poor man's cup of bitterness when by pressure or sickness he was forced to withdraw his deposit, would be the loss of his vote. Why any intelligent artisan would laugh at such a statement. If you gave to men who really wished to have a vote an opportunity of acquiring one by the exercise of some little self-denial and providence, you would do much more good to them and the country at large than by offering it indiscriminately to every man in the country. With regard to the skilled artisans of Birmingham, he believed that he knew a great deal more about them than the hon. Member who represented them did, or perhaps ever would do. No persons were more fit to enjoy the franchise; among them were to be found some of the most independent voters in the kingdom. They allowed themselves to be at the beck of no master, for they knew themselves to be more necessary to their employers than their employers were to them. They discussed political affairs together, and were capable of forming an independent opinion respecting them. They had their debating clubs, and not long ago the question discussed at one of them, and discussed at great length, was, whether the hon. Member (Mr. Bright) really represented them in this House, the result being that in the final vote the hon. Gentleman had a majority of one in his favour. He (Mr. Adderley) did not wish to prevent any such men from possessing votes. Nobody did. The question was at what point of social position real independent individual action begins; and whether men who had not a position of independence, and who would be simply the tools of demagogues, should be entrusted with votes, which from their numerical advantage would act to the practical disfranchisement of these very men who had shown themselves ready to discuss political questions and intelligent enough to understand them. He would put this dilemma to the hon. Member. If he regarded the franchise as equally the right of all—if he looked at this as a numerical question simply—why had he always argued for an extension of the franchise on the ground of the spread of education and intelligence? But if the spread of education and intelligence furnished a fair ground for the extension of the franchise, the greater the intelligence and the higher the standard of education the greater the fitness for the suffrage, and the larger should be the share in its exercise. What, then, became of the hon. Member's argument, founded on numbers and on equality of right? He defied him to escape from the dilemma. The hon. Gentleman was even more unfortunate, for he started with an educational plea for the franchise; but his proposition worked out so as to confer electoral power exactly in an inverse ratio to the standard of education, so that the lowest class in point of education would by its numbers have an ascendancy over every other class. With regard to the other feature of the Amendment of the noble Lord—the alleged interference with the freehold franchise in boroughs, it was simply a provision to facilitate the extension of the franchise designed by the Bill by completing the abrogation of the distinction between the town and county franchise which was first begun to be abrogated by the noble Lord's Act of 1832; and, having done so, then to make votes and qualifications conterminous. The right hon. Gentleman (Mr. M. Gibson) more justly called these points *conditions* of the Bill — the noble Lord called them its *principles*, and his objection was, that in the proposed process, the Bill incidentally disfranchised, to a certain extent, or rather transferred, some 45,000 freeholders, and that in doing so it violated their prescriptive right. The term was rather a significant one, for "right to vote" was the favourite phrase on the Opposition side, and "prescription" on the Ministerial side of the House, and the noble Lord, by his studied ambiguity, thus invited sympathy from both sides. The noble Lord had quoted "Blackstone" in support of his views, and said he found that that high authority stated that the 40*s.* freeholders had enjoyed for centuries the right of voting for counties. The noble Lord, however, had put the very converse of the proposition laid down in "Blackstone" upon the subject, which was, not that the 40*s.* freeholders had a prescriptive right to vote for counties, but that 40*s.* was the limit below which a freehold, which was then the only qualification, gave no title to a vote. It was a limit, not a rule. The distinction between the nature of Town and County franchise had been broken through by the Chandos clause, and it seemed to the Government that the present was not an unfavourable opportunity to make use of that new state of things to establish a counterpoise—if the right hon. Gentleman who had just spoken would have it so termed—to the otherwise immense urban influence which would by the Bill be introduced into the counties. If hon. Members would only look to the unrepresented towns in England, all of which this Bill proposed to enfranchise into the county registers, they would perceive how considerable the urban influence, to which he alluded, would be under the operation of the Government proposal, and they therefore deemed it expedient to make such an adjustment as that which the right hon. Gentleman opposite condemned. And when the right hon. Gentleman said that the extension of the franchise in counties was counterbalanced by the disfranchisement of the 40*s.* freeholders, he should like to ask what were the comparative numbers in both cases? The right hon. Gentleman would, he thought, have done well to procure some more accurate statistical information before he spoke so positively as to what would be the effect of the Government proposal. The £10 occupiers would double many county constituencies, while the transferred Borough Freeholders would not reduce them by a quarter. The right hon. Gentleman contended that the Government proposal would, if carried out, not give a single additional voter; but his calculation upon the point was very different indeed from that of the right hon. Gentleman, for he believed it would add no less than 400,000 voters, or nearly 50 per cent to the present constituencies of England. ["No, no!"] The right hon. Gentleman, however, seemed to be of the opposite opinion, for he had contended that the enfranchisements and disfranchisements of the Bill made an exact counterpoise.

MR. MILNER GIBSON: I did not say it would create an exact counterpoise. I simply referred to the opinion expressed by the noble Lord the Member for Stamford (Lord R. Cecil), and proceeded to show that a counterpoise would be effected to some extent.

MR. ADDERLEY: Those words, "to some extent," were, he could not help thinking, somewhat vague. But the argument of the right hon. Gentleman meant that the operation of one of the proposals to which he was referring would be to neutralize the other, or it meant nothing. In his (Mr. Adderley's) own county the new £10 occupation votes which would be created under the Bill would, he believed, be about 7,000 or 8,000, while the number of urban electors who might, if they chose, keep to their own towns, would not amount to more than 2,500. Therefore, to say that the one proposal completely neutralized the other was, he not could help thinking, to say the least of it, a very loose way of speaking. He (Mr. Adderley) agreed with the noble Lord that it was desirable to have a mixture in county registers of a certain amount of urban influence. But the noble Lord surely did not wish for an overwhelming admission. The noble Lord would not wish two-thirds of the county votes to be urban and one-third rural? Besides which, though it had been often said, that there were many towns under the domination of landlords, it was forgotten that there were many counties which were quite as largely urban. But the noble Lord the Member for London further objected to the Bill because it appeared to repeal in some measure the Act of 1832, inasmuch as it would place considerable power in the hands of the landlords by means of trickery of every sort to swamp the constituencies in boroughs. [Lord J. RUSSELL: In small boroughs.] Well, the noble Lord was very particular about boroughs, but he seemed totally to disregard the position in which counties might be placed. It had never, of course, occurred to the noble Lord that the same description of trickery as that of which he spoke might be practised in counties by the system of fagot votes, that similar means might be used to swamp Rutland which would operate injuriously in Manchester. The game was one which two can play at, but he knew from experience — not, he was happy to say, from any experience of his own—that there was scarcely a single instance in which the intention of the speculator in such a game was not frustrated. Though two could play, neither could win, for there was no hold on the stakes which in the process, became the independent property of the holders. The noble Lord, too, must bear in mind that there was another mode of playing those tricks to which he had alluded. Would not a £6 franchise, as proposed by the noble Lord, offer the same means for trickery which he appeared so much to fear? He (Mr. Adderley) knew Birmingham pretty well, and he could not help thinking that a good many votes might be fabricated there at a £6 rental. He would go further and state that his experience as a

Member of Election Committees led him to form the opinion that even with a £10 franchise much could be effected by great Propietors towards swamping a borough. He should now pass from the arguments of the noble Lord to those of the right hon. Gentleman opposite (Mr. M. Gibson) who seemed to think that uniformity of suffrage would inevitably lead to equal electoral districts. The inequality in distribution of equal franchises which would otherwise exist, the right hon. Gentleman contended, would be intolerable. Equal votes must be equally divided. But would not the proposal of the noble Lord the Member for London to fix the borough franchise at £6, while that in the counties remained at £10, be equally open to the objection which the right hon. Gentleman had urged upon that point? Did the right hon. Gentleman desire to get rid of one inequality by proposing another? In his opinion, the inequality which the noble Lord would introduce would be far more intolerable than that of which the right hon. Gentleman complained. He would take, for instance, the town of Birmingham, about one-half of which was contained within the limits of the borough. What would be the effect of the noble Lord's proposal in that case? Why, that one-half the inhabitants of the town would have votes at a £6 rental, while the other half, exactly similarly situated, would be on the county register limited to the higher franchise of a £10 rental. The question, then, lay between two descriptions of inequality, of which he contended the one proposed by the Government was the most tolerable. If all in equality must be got rid of, then would it be impossible to stop short of the zero, which was the point to which the Manchester school were tending. The noble Lord maintained that the operation of the Bill would be to do a great injustice, by enabling the landlords to influence elections in boroughs; but he should like to know if no injustice existed under the present system. He would take his own case. He was a considerable landowner in Birmingham, and had the highest respect for his representative, whom he saw opposite; but he had not the slightest influence either for or against his return, while at the same time there was within the town no less than one-third of the county constituency of Warwickshire. Was this the just principle with which the noble Lord was afraid the Bill might interfere? Having made these remarks, he did not wish to trespass longer upon the attention of the House, but he could not sit down without making an appeal to the great Whig party, and asking those who had taken the lead in connection with the question of Reform, whether they were prepared, instead of going into Committee on the Bill, and endeavouring to settle that question at a most auspicious moment, to submit it to the dangers of a hopeless agitation, which would be the inevitable result of the success of the Amendment of the noble Lord the Member for London. He spoke of agitation, for he felt assured that if the Bill of the Government were thrown out a violent agitation would be got up throughout the country; not so much because there was any strong feeling upon the subject as because political agitators—as was the case in 1831 and 1832—would, for their own purposes, seek to raise a storm in the public mind. A dangerous agitation might be excited whenever the country might be suffering under distress from other causes. If those who agreed with the supporters of the Bill, on the principle that property ought to be the basis of the electoral system, handed over the question to those who avowed the opposite principle, and who advocated an universal franchise without limitation, based simply on numbers—he warned the House of the consequences. They knew what had occurred in other countries that had arrived at universal suffrage. When the citizenship of Rome was opened to all, the commonwealth was dissolved. The opinions of the hon. Member for Birmingham (Mr. Bright), in favour of assimilating the institutions of England to those of America, were disputed by no less an authority than the American President himself, no mean authority against a foreigner, on the example of his own country. Mr. Buchanan believed that England would have cause to repent such an assimilation. But universal suffrage would not even work in England as well as in America. Old associations, settled institutions, habits of attachment and prescription gave no such *tabula rasa* for experiments here. Universal suffrage, by bringing every class to the level of the lowest and most numerous, would not arrive, at least in England, at liberty; but, by opening a path to vulgar wealth or strong ambition, would only serve to break down the power of the middle classes, and destroy by direct process of degradation what he would call the beneficent power of what is now a national and popular Assembly.

Mr. HEADLAM: Sir, one great advantage I think that has been derived from this prolonged discussion — we are beginning at last to understand the real point at issue. The right hon. Gentleman the Member for Ashton (Mr. Milner Gibson) has very much elucidated that point, and the right hon. Gentleman who has just sat down would have done much better if, instead of discussing points that are not raised in this debate—if, instead of arguing the question of a £6 or £10 franchise, he had explained to the House what really was the policy of the Government he rose to defend. I, in common with the rest of the House, have listened with admiration to the speech of the right hon. Baronet, the Secretary of State for the Colonies, and I must say, that eloquent as that speech was throughout—and argumentative as it was in part —it seems to me that there is a very clear and obvious answer to it, and so far from having any injurious effect on those against whom it was directed, it recoils upon those on whose behalf it was made. The right hon. Baronet has expatiated upon the infinite advantages that would be conferred by this Bill, and said we had now an opportunity of settling this question; but if Her Majesty's Government desired to confer those great benefits and advantages upon the people, what right had they to fetter their Bill with conditions which rendered it perfectly impossible that the House could accept it? What right had Her Majesty's Government to traffic and barter with the people of this country and say, except you will take what we offer, the people of England shall not have that which we are prepared to give them? Recollect how detestable their offerings are; how repugnant to the feelings of Gentlemen on both sides of the House—how loathsome to the people of the nation who have covered the table with petitions against the Bill, which render the passing of it entirely impossible. I do not wish to misrepresent the Government; but I ask, was it right to make conditions of this kind, or traffic upon the advantages they offered? Was there any plea of necessity in favour of those conditions? This subject of Reform has been before the country for years, and the ingenuity of clever men had been exercised to discover all the grievances that could be found in reference to the existing state of things. We have heard of bribery and intimidation, close counties, and nomination boroughs, but, strange to say, not one petition has ever been presented to the House complaining of the undue action of the borough influence on the counties. Not one newspaper article ever seen by me, has brought forward this matter as an evil, which it was necessary to change. Not one of the theoretical writers on reform has said,—Here is a grievance that it is necessary to redress; and yet the Government, without the smallest possible pressure upon them—without any demand from the country—chose to put this proposition in the front of the battle, and to say,—without this no measure of reform shall be passed. When I recollect that the Government has parted with two of their colleagues on this question, that the Chancellor of the Exchequer has said that this was the principle of his Bill, and that the noble Lord the Secretary for India has declared that this was the point on which the Government would not recede, I am perfectly justified in saying that these are conditions precedent, and that whether we go into Committee or not, no reform can be got from the Government for the country, unless we choose to accept of those terms. I, in common with many others, am desirous that this great question of reform should be settled in this Session of Parliament; I fully admit that it is the business of the Government to take the lead, and propose a Bill; but when they say we shall have no reform, unless accompanied with conditions which we cannot possibly accept, the Government deliberately fails in performing the pledge it has given. If they will lay upon the table clauses withdrawing these obnoxious principles, I am willing not to press them in any hostile spirit, but will accept the terms thus offered. It must be done, however, openly on their part, because it is idle to juggle with the House as the Chancellor of the Exchequer has done. The Government have declared their principle and put it into words, and we cannot assent to the second reading until there is a clear recession on their part from the principles they have avowed. We have, from the first, received this measure in the fairest spirit, therefore the cry of faction is most unfounded and unjust. There is, however, something worse than this. The Solicitor General was last evening put up to do that, which from my personal knowledge of him, I believe to be alien to his character and habits, and quite opposed to his feelings. I allude to the coarse personality with which he assailed the noble Lord the Member for the City of London. He chose to call this Resolution a "dodge," insinuating thereby that it was an unfair movement on the part of the noble Lord. For my own part, I am quite satisfied that the course pursued by the noble Lord was the most honourable, the most manly, and the most suitable to the occasion that could have been devised. The Resolution differs from the ordinary course of proceeding in this, that it states the reasons why we dissent from the Bill; and so far from being calculated to catch votes, it repels the votes of those who object to the Bill, but who do not concur in the terms of the Resolution. I can assure the House, that when I came here on the night of the introduction of the Bill, it was with the determination to give it, as far as I conscientiously could, my cordial support, and to yield minor points of difference rather than retard the settlement of this great question. It was in this spirit that I spoke shortly after the Chancellor of the Exchequer sat down, and though I did not then fully comprehend, what I cannot help now calling the enormity of the scheme, yet I called the attention of the House to those particular objections to which the Resolution is directed; and which, unless expunged from the Bill, must prove fatal to it. When the Bill had been delivered, and I had carefully perused it, I was so struck with the magnitude of the evils proposed, that in directing the attention of the House to them, I trespassed on our regulations, and was called to order for deviating from the question that was then before the House. The principle of the Bill is uniformity of suffrage, or in other words, the establishment of electoral districts, varying from one another in area, wealth, and population, but perfectly similar as to the mode in which the owners and occupiers of property within them are to exercise the suffrage. The Bill, in short, provides for unequal, as contradistinguished from equal, electoral districts. The proposal for equal electoral districts has been some time before the country, and has not met with much favour, for the argument against it;—namely, that such a change would interfere with vested rights, be alien to our usages and habits, and would obliterate ancient landmarks—has hitherto been deemed conclusive. But should this Bill pass, and thus uniformity of suffrage be everywhere established and these boundary Commissioners mix up town and country, then this argument would hereafter be totally taken away from us. Moreover, the practical evils incident to this uniformity of suffrage in the boroughs, or smaller electoral districts would, as I will show to the House, be so great that we should soon be compelled to adopt this unpopular principle of equal electoral districts. Sir, I confess I am surprised that a Minister of the Crown should, in this the nineteenth century, have seriously proposed to the House a new principle in the theory of our representation. I am not disposed, either from habit or education, from the circumstances in which I am here placed, or from the constituency I represent, to cling too closely to the past: but when I look back to the Parliamentary history of this country, and read how the seeds of liberty were planted amongst us, I find that the freeholders of counties in former times, whether their property was within or without represented boroughs, elected the knights of the shire; whilst the inhabitants of the towns returned to Parliament their free burgesses, and that these two bodies combined together to resist the encroachments of arbitrary power, and to settle deep the foundations of the constitution of this country. This distinction between county and borough Members lives to the present time: it has grown with our growth, and become entwined with our habits and usages. To this day no absentee owner of lands within a borough votes for the borough: the suffrage is vested, and rightly vested, in the occupiers and inhabitants. On the other hand, the county Member represents the whole land in the county, whether within or without the limits of any Parliamentary borough. The only exception —and I admit it is an exception—to the perfect maintenance of this principle is the famous Chandos clause which was carried by the county gentlemen against the promoters of reform. Now, I wish the House and the country to consider whether it is wise to abolish this distinction for ever. Certain clauses have been laid upon the table on which I do not intend to dwell; as they do not profess to do more than to mitigate the injustice and to smooth the way to the ultimate change, and it is the ultimate change itself against which I am prepared to contend. By these clauses the borough freeholders are treated as the potwallopers were treated by the Reform Bill —that is to say, existing rights are saved, but their descendants are cut off from all influence in the county. I am not, as I said, going to dwell either upon the injustice to the individuals affected, or upon the novelty in the constitution of giving a man an option where he will vote. I am willing to admit that if a case were made out of a great public good resulting from the change, we might make a sacrifice of private rights in the same manner as was done by the Reform Bill; but so far from any good being likely to arise from this alteration, I contend that the influence of the borough freeholders in the county is beneficial and ought to be perpetuated. The effect of this influence is, that the sympathies of the county Members are extended, and they are made much more efficient members than they would be if this influence were destroyed. If it had been shown that purely commercial and manufacturing men were usurping the representation of the counties and neglecting the interests of the rural portion of the constituency, some case would be made out for the change; but we know as a matter of fact that no usurpation does take place, and that the gentlemen who represent the counties have the closest and warmest sympathy with the agricultural interest. I will take an instance for the purpose of proving how well the influence of the borough freeholders works upon county Members. There is my hon. Friend the Member for South Northumberland (Mr. Liddell), he enjoys, and deserves to enjoy, the confidence of the commercial part of his constituency as of the agricultural. He takes part in our debates on shipping, and sits upon Committees on that and kindred subjects. He represents, therefore, the whole land of the county, that which is applied to commercial and manufacturing purposes as well as the exclusively rural districts, and the result is that he is a better Member, in all senses of the term more useful, even to his agricultural constituents, than if his energies and sympathies had been restricted and confined to their limited wants and necessities. I say, therefore, that the disfranchisement of the borough freeholders, so far from being a thing desirable in itself—so far from being an object for which we should sacrifice the rights of individuals—it is on the contrary an evil to be deprecated, and a change for the worse in our constitution. I now come to the other portion of the scheme, namely, the provisions in this Bill enabling the non-resident owners of lands within the limits of the boroughs to vote for them. Now, in order to understand the enormity of this proposal we must recollect three things—first, that this Bill retains the smallest boroughs in the country; secondly, that it provides for absentees voting at a distance by means of polling-papers; and thirdly, that it enables persons without occupation or interest in a borough to acquire a vote for it by purchasing a small interest in land. When we consider that in the town of Banbury—where an hon. Friend of mine was elected the other day—that he won his election by one vote—and that the hon. Gentleman who now represents Harwich had only a preponderance of some three or four of the frail and notorious electors of Harwich—we can form some estimate of the importance of a vote in places like these. If this Bill became law, any gentleman of moderate wealth might make himself an elector of half the small boroughs in the kingdom, and at a general election might sit quietly in his library in London and without the slightest trouble to himself exercise the political influence he had purchased. But this is not half the evil. A clever electioneering agent might be instructed to buy up property in all these different small boroughs, and thus qualify the club of gentlemen who employed him to give votes all over the kingdom. Far be it for me to say that hon. Gentlemen on that side of the House would alone avail themselves of practices of this kind. I have no doubt that the same thing would be done on one side as on the other. I will not undertake to say whether, in the long run, the Carlton or the Reform Club would win in the race; but this I will undertake to say, that the inhabitants themselves of Banbury and such other small towns would have no more to do with the representation of their own town than the owls that haunted the ruins of Gatton or the sheep that fed on the plains where old Sarum once stood. I think I have now pointed out some of the evils of this Bill. What, on the other hand, does it give us? Even if the savings' bank franchise and the other advantages expatiated on by the hon. Baronet the Secretary of State for the Colonies were ten times as great as they are, they would weigh but as a feather in the scale in favour of the Bill. I regret, Sir, that this measure has been brought forward. I consider the consideration of it by the country as most injurious. The Bill tends to excite feelings of discord between town and county. The idea has been suggested in every borough in the country that the great Conservative party in England, when they were called upon to produce a Reform Bill, thought not of the admitted grievances and well-founded complaints of the people, but availed themselves of the opportunity to obtain party advantages for themselves. For my own part, I regard the interests of the landowner, the manufacturer, and the merchant, as identical. Their interest is the welfare and prosperity of the country; and that prosperity is best promoted by harmony and good feeling among all classes. I hoped that upon the repeal of the Corn Laws all jealousies and suspicions amongst us would have been set at rest; but this Bill has sown the seeds of discord again, and you may depend upon it that the true interests of the Conservative party is, that at the very earliest moment possible this Bill should be withdrawn — this discussion terminated—and all proceedings connected with it buried in oblivion.

Mr. BENTINCK said, he had listened with great attention to the speech of the right hon. Gentleman the Member for Ashton (Mr. M. Gibson), whom he was sorry not then to see in his place. The right hon. Gentleman was one of the first members of that political party with which he was connected to address the House during this debate. He (Mr. Bentinck) was in great hopes that they should have elicited from the right hon. Gentleman some information as to what were the views and intentions of those with whom he was politically associated, and as to the course they would take in the event of the Resolution of the noble Lord being successful in rejecting the Bill before the House. But though the right hon. Gentleman spoke with his usual eloquence, though he spoke most ably for a period of about half an hour, yet as far as he (Mr. Bentinck) could understand him, the right hon. Gentleman had told them nothing. From only one observation in the right hon. Gentleman's speech had he been able to extract anything as to the real character of the policy and the views of his political party. The right hon. Gentleman talked of the numerous spontaneous meetings that had taken place throughout the country in favour of Reform, and which he said were attended by all the educated and intelligent classes of the population. Now he (Mr. Bentinck), could recollect what had really taken place at most of those meetings. Whatever might have been the original objects of those meetings they resulted in the adoption of resolutions by large majorities in favour of annual Parliaments, universal suffrage, and vote by ballot ["No, no."] Hon. Gentlemen might express their dissent from that statement, and he (Mr. Bentinck), might certainly be in error in one or two cases; but he again said that it appeared from the published accounts, a large majority of those meetings, which the right hon. Gentleman said were attended by highly educated and intelligent men, had almost unanimously advocated the principles of universal suffrage, annual Parliaments, and vote by ballot. He felt, therefore, that he was perfectly justified in assuming that these were the views of his right hon. Friend and of the political party with which he acted, and that they were determined to give full effect to them whenever the time came that they might assume the direction of public affairs. He (Mr. Bentinck) thought it fitting at the commencement of the Session to give his opinion upon the Government measure of Reform. He thought the issue raised by the noble Lord's Resolution was one of a totally different character to the question raised by the Motion for the second reading of the Bill. The issue it proposed was one of mere detail, which was quite irrelevant. He did not see how it was possible to discuss two different questions at the same time. His own feelings, however, on the question of Reform were the same as they had ever been; he had always thought the measure of 1832 was one framed in a spirit of party, and not in a spirit of justice, and he had consequently always objected to that measure and the anomalies and wrongs it had established in our system of representation. Without going more generally into the details of the Government Bill now proposed, he might say that, although he objected to many of them, he saw nothing that justified him in opposing the second reading, after which he should do his best, in common with everybody else so disposed, to amend the Bill in Committee wherever he thought amendment necessary. His chief objection to the Bill was that it did not grapple sufficiently with the existing state of things as to county representation. It was admitted on all sides, as it seemed to him, that the rural districts were not adequately represented in Parliament, and his objection to the present Bill was that it did not extend a full measure of justice to them; but again he would say he thought the time had not yet come for dealing with that question, because the noble Lord had interposed himself between that discussion and the House, calling upon them to discuss not the details of the Government Bill, but whether they agreed with him in his political views, and were willing that he and his party should be transferred from that side of the House to the other. He was much struck with the speech of the right hon. Member for Stroud (Mr. Horsman); it was a manly and straightforward speech, and contained an element that few of the addresses to that House possessed, for it seemed to be a *bonâ fide* statement of what the right hon. Member really thought upon the subject. He fully concurred in the sentiment mainly characterising that speech —namely, that it was a principal object, both with that House and the country, that no impediment should be thrown in the way of the question of Reform, because no man could say in what temper of the people or under what state of things they might thereafter be called upon to deal with that question. The right hon. Member for Stroud had also pointed out what would be the position of affairs supposing the noble Lord (Lord J. Russell) succeeded in carrying his Resolution and in ejecting the present Government from office. The right hon. Gentleman might be taken as a high authority on that point; and when he told them that nothing but confusion, discord, and great inconvenience to the public service could possibly arise from a successful termination to the noble Lord's Motion, he thought it was impossible a stronger argument could be brought against that Motion. It was not often that he had the good fortune to agree with the hon. Member for Sheffield (Mr. Roebuck), but he felt bound to say that he concurred most cordially with every word that had fallen from him on a recent occasion, when he had made an appeal to the House as to the expediency of making this question a battle-field of party faction when the affairs of Europe bore the aspect they had then assumed, and when the political affairs of this country might prevent her acting with that power as a mediator which under more favourable circumstances she might be able to exercise. Nor were his fears as to the deplorable consequences of a change of Government lessened by the fact mentioned in *The Times* of that morning, that the Austrian cavalry had passed the Ticino, and thus made an actual aggression upon the Sardinian territory. How soon, then, might not a material change take place in all European affairs, and render the utmost harmony at home necessary to our welfare. The speech of the hon. Member for Sheffield showed that he was disposed to take a national view of the question, while the noble Lord the Member for the City of London proved that in forcing on an Amendment of this kind before the House he had nothing in view but his own party objects. The noble Lord the Member for Stamford (Lord R. Cecil) had put a most important point before the House. The question, he had said, was not whether they should admit the working classes to the franchise, but whether they were willing to transfer the whole of the elective power into the hands of the working classes. Such was the increased intelligence of the working classes, that they themselves were perfectly convinced of the impossibility of that being done, and this accounted for the small number of petitions that had been presented in connection with the great question of Reform. He believed that upon no public question so important as that of Reform, which had ever occupied the attention of that House, had so few petitions been presented. The working classes saw the absurdity of the proposals made, as it was said, in their favour. They felt that the whole of the agitation now going on was not a national attempt to alter the representation, but merely a political attempt to transfer power from one side to the other. The noble Lord (Lord J. Russell) had argued that freeholders ought to be kept in the counties because they added to the Liberal element. That was doubtless a very good argument for himself, but how it would be viewed by those who did not think it was absolutely necessary that the Liberal element should be increased, remained an open question. The argument, however, was evidence of the noble Lord's readiness to make the question of Reform a struggle for party predominance. But he had also gone on to say that the people of this country, if disappointed in their wish to obtain a larger share in the representation, would become irritable, and that the mass would not rely upon reason or moral force alone in the agitation that would ensue. There perhaps could not be a greater authority on such a subject than the noble Lord; for if he had not been very much belied, no man in 1832 did more to attempt to overcome reason by force, and the reluctance of Parliament by intimidation. The course, therefore, that he would take, should he fail in persuading the

House to take his view of the question of Reform, was now known. Then the noble Lord asked what course the Government would take if his own Amendment were carried? Again the same spirit by which he was actuated throughout his speech thus manifested itself—it was a struggle for party predominance. The noble Lord had also enumerated the numerous beneficial measures which had resulted from the passing of the last Reform Bill as an argument in favour of further Reform. He would not discuss with the noble Lord the beneficial character of those measures. It was sufficient to remark that the noble Lord had been himself opposed to the majority of those measures which he now called beneficial. The noble Lord wound up his eloquent speech by saying that he had been the friend of reform when young, and that he would not desert it now he was old. That was a noble sentiment eloquently expressed. But his Lordship, though he had certainly given a very good description of the earliest and latest stages of his political career, had entirely omitted any description of the intermediate period. If any distinguished historian were to devote his time to writing a history of the middle ages of the noble Lord, it would be found that so long as he was in office he was a determined opponent to Reform. During that period he took the word "finality" for his motto, and held that no further Reform was required. But when his power began to wane, when he found himself in circumstances of political difficulty, it occurred to him that some alteration was required. In fact, the question of Reform was a perfect barometer by which those outside the House could tell exactly the noble Lord's political position. In dealing with the question now he had only exerted himself to place as much impediment in the way as possible, but without giving any answer as to what steps he would take and the measures he would bring forward if he were to change places with the present Government. It was to be hoped that some friend of the noble Lord would come forward and explain these matters. The House had been told by the hon. Member for Walsall (Mr. Foster) that the noble Lord rowed in the same boat with the hon. Member for Birmingham (Mr. Bright), and that was explained to mean that they would be found voting in the same lobby. He (Mr. Bentinck) had had more experience of boats than lobbies, and he could not help thinking that the noble Lord would find it a dangerous experiment, for the boat rowed by the hon. Member for Birmingham was of a very different construction to that which the noble Lord had been in the habit of using; in nautical parlance that difference existed in the gunwale, which was much lower, and the result would most likely be that the noble Lord would "catch a crab" the inevitable consequence of which would be that he would sprawl backwards into the bottom of the boat; and judging from the crew, he feared that when once they got him in that position they would keep him there, and not allow him to get up again. [*Laughter.*] This was a serious question. [*Laughter.*] It was, indeed; and the House really ought to know more about this boat. Was the noble Lord to be coxswain? Who was to steer the boat? —the noble Lord or the hon. Member for Birmingham? In what direction was it to be steered? And if down stream (as was to be anticipated) at what pace? The House had a right to be informed with regard to this new combination or coalition. [*Cries of* "No, no!"] Hon. Members opposite cried "No, no." Was it, or was it not, a fact? The House had the authority of the hon. Member for Walsall for believing that it was—and the statement of that hon. Gentleman had not been denied by either the noble Lord (Lord John Russell) or the hon. Member (Mr. Bright). It must, therefore, be taken as assented to, and, being so, the question was who was to be the leader? All the House knew was that it had been publicly asserted that the noble Lord and the hon. Member for Birmingham were politically associated. [Lord JOHN RUSSELL: No, no!] Up to that moment the House had not heard the slightest contradiction given to the statement of the fact that a coalition existed; and he was the last man in the world to impugn the veracity of the hon. Member for Walsall. He hoped some Friend of the noble Lord would tell the House, as he was precluded by the forms of the House from speaking again upon the question, and was, therefore, unable to do so, what difference existed between his own opinions and those of the hon. Member for Birmingham; because until he explained his views on the question of Reform, he had no right to impede the progress of a Bill introduced for the purpose by others. He merely played the part of an obstructor, not of a statesman. He believed that every man who voted for the noble Lord's Resolution, wanting that information, would show that he was determined to oppose the progress of Reform at all hazards. He did not mean to reproach hon. Members opposite with the existence of a great variety of opinions among them. Were he to do so, possibly they might retaliate; but under the circumstances, it was a fair question to ask what would be the result of the noble Lord's Amendment being carried with such a difference of opinion existing among them, as that exhibited and increased by the admission he had induced the noble Lord to make that evening for the first time? It would be impossible that the question of Reform, if the noble Lord's party and the Government changed places, could be satisfactorily dealt with, and carried through the House in a business like manner. If they went on bandying this question from one side to the other they would lower the House in the estimation of the country, shake the present constitution to pieces, and find themselves floundering in all the political degradation of republican America, until at last they were driven—as a last refuge—to the despotic institutions of France. He could not see that the course suggested by the noble Lord the Member for the City of London would have any other result but the creation of confusion and discord from time to time until the House at last lost the confidence of the people, and representative institutions were no longer respected. He regarded the noble Lord's Resolution as an obstacle in the way of an attempt to make a fair settlement of the question, and he called upon the hon. Members of that House not to allow themselves to be made the puppets of party faction; and the tools of personal ambition.

Mr. W. H. DENISON said, in reference to this matter the House had to satisfy the just expectations of non-electors as well as electors, and, having asked himself whether the Bill was likely to do this he had arrived at the conclusion that it would not. As regarded the counties it appeared that the object of this Bill was to enfranchise voters in one direction, and to disfranchise them in another; as regarded boroughs to do nothing at all. He thought, therefore, that if it were passed it would have no effect in stopping agitation. It would not prove a permanent and lasting measure of Reform, and indeed it appeared to him that it had not many friends in the House. Those who had spoken in support of it from the Ministerial side of the House, had rather offered an apology for thanks spoken in praise of its provisions. The enemies of the Bill were active, and its friends were lukewarm, and the want of petitions and meetings in its favour showed that the country was not favourable to it. It had been said that they might amend the Bill in Committee which amounted to this—that they might strike out its principle and insert another, or that they might bring in a new Bill in Committee which the Government might accept on the third reading. If that was what they were to do, the simplest course would have been for the Government to bring forward a Bill containing a preamble with blank clauses, for that would at least have saved them the trouble of framing this Bill. He should vote for the Amendment. Agreeing in the principle of the Amendment moved by the noble Lord he should give it his support.

Mr. LOCKE KING said, he feared that he should be looked upon as a very ungrateful person by Her Majesty's Government, when he said that he could not support the second reading; but he thought he could not fairly be charged with ingratitude when it was remembered that almost every hon. Member on their own side of the House, had either spoken against the Bill or found fault with its details. He quite admitted that, after the great concessions which had been made by the Government to the principle for which he had contended for some years—that of extending the county franchise to £10 occupiers—they might almost have expected him to vote in favour of the Bill. They had, however, so spoilt and mutilated the measure he had proposed, having deprived it of its very life and spirit, that he found it impossible to do so. His Bill was of a very simple nature, and merely proposed to extend the franchise to a very deserving and intelligent class of persons in counties, who did not now possess it. His measure did not propose to disfranchise a single person, nor did it profess to be in any respect a Reform Bill. The measure of the Government was a Reform Bill, and one of its most objectionable features was, that it proposed to disfranchise, without their consent, a class of persons who now possessed the franchise in counties. If, indeed, they took the amended clauses of the Bill, it proposed that these persons should not be disfranchised if they were at the trouble of re-registering their votes; but even then it provided that their successors, heirs, and assigns, and all future purchasers of freeholds in boroughs should be disqualified from voting for counties. In the course of the debate some reference had been made to the measure which he had for several years past submitted to the House, and the right hon. Member for Wiltshire (Mr. Sidney Herbert), in his eloquent speech the other night, had given what he was pleased to call a history of that Bill, from which he drew a certain inference; but as the right hon. Gentleman's history was not quite a correct one, he (Mr. Locke King) would state what the facts really were. The House would, he was sure, draw a different inference from his narrative of the facts. He first introduced the County Franchise Bill in 1850, not in 1851, and he did so in consequence of a speech made by the noble Member for the City of London, on a Motion which was brought forward annually by the late Mr. Hume, for the extension of the franchise. In opposing Mr. Hume's Motion the noble Lord said he would not oppose all measures of Reform; but that the Government would be ready to consider any reasonable proposition which was submitted to the House. It was then late in the Session; but he (Mr. Locke King) took the first opportunity of proposing the measure for enlarging the county franchise, which, if it had any fault, was too moderate. That Motion was made on the 9th of July, 1850, and was rejected, principally on the ground of the late period of the Session, by 159 votes to 100. On the 20th of February, 1851, he again brought forward his Motion, when the ayes were 100 and the noes 52. That had been described —but, he thought, improperly—as a "snatch" division, for he believed that a great number of hon. Members purposely stayed away from the House in order that the Motion might be carried. In the following year the Government of the Earl of Derby was in power; and on the 27th of April he brought forward his Motion, which was supported by many hon. Gentlemen who had previously voted against it. On that occasion the ayes were 149 and the noes 202. He repeated his Motion in 1853, but withdrew it in consequence of a promise made by the noble Member for the City. The noble Lord fulfilled that promise in 1854, his Bill embracing the principle for which he (Mr. Locke King) had contended. He did not renew his Motion in 1855 and 1856, on account of the war, but he again brought it forward on the 19th of February, 1857, when the ayes were 179 and the noes 192. Last year he obtained leave to bring in the Bill without a division; but on the 10th of June a division took place on the second reading, when the ayes were 226 and the noes 168. His right hon. Friend the Member for South Wilts said he alluded to these circumstances because he wished to ascertain why it was that the Government had assented to the adoption of a £10 franchise. He (Mr. Locke King) thought that in deference to the will of the House, considering that the "ayes" in favour of his Motion had never been below 100, and that they had gradually increased to 149, 179, and 226, it was quite impossible for the Government to do otherwise than incorporate his proposition in their Reform Bill. The principle he had advocated had made rapid progress in public favour, although he had never resorted to out-of-door agitation to obtain its adoption, and had not even alluded to it on the hustings at his own election. The right hon. Gentleman had complained that the title of his Bill had been changed. He would tell the right hon. Gentleman why that change had taken place. The right hon. Member for Carlisle (Sir James Graham) proposed that part of the occupation should consist of a dwelling-house, and a change in the title was therefore necessary, but the principle of the Bill—that of a £10 franchise—remained the same. The sum was put in italics because that was the usual course, unless it was included in the title of the Bill. It had been said that he had not pressed this Bill last year, because, being a keen observer, he knew the general feeling was against the measure. No such thing. It could not be said, after such a division as had taken place, that the feeling of the House was against his Bill, but notice was given of so many Amendments on going into Committee, that he felt it would have been impossible to press the measure last year. There were Amendments by Mr. Stewart, Mr. Bentinck, Mr. Drummond, Mr. Knight, Mr. Crawford, Mr. Pugh, Mr. Leslie, and Lord Adolphus Vane-Tempest. To one of the Amendments which stood in the name of Mr. Bentinck he should not have objected. It was,—"That it be an instruction to the Committee to make provisions for the disfranchisement of small boroughs." He was extremely sorry that he could not give his support to the Bill. He felt grateful to hon. Gentlemen opposite for undertaking the thankless task of forming a Government when they were in a minority, and on that side there was a powerful majority, happily for them, disunited, but ready to eject them from power whenever they could agree upon any question. His noble Friend (Lord John Russell) had said that it was the duty of the Government to propose a Reform Bill. He differed from him. He did not think it the duty of a provisional Government to propose any Bill of the kind, still less of a Tory Government, for the Liberal Members felt that they were touching the question with very unhallowed hands. They felt a natural jealousy of a Tory Government meddling with it in any way. They felt that it was their province, and regarded with suspicion anything which proceeded from their opponents. He must say, that these suspicions were not ill-founded, and that this Bill, which purported to be a Reform Bill, was admirably framed for keeping the present Government in office almost in perpetuity. He could hardly expect much to be done by hon. Gentlemen placed in their circumstances; but he did expect that any Government which thought it right to propose a Reform Bill in 1859 would have deemed it necessary at all events to adopt some of the principles which were in the Bill of 1832. He did expect that such indefensible absurdities as Calne and Arundel would be consigned to the same tomb as Gatton and Sarum, and that boroughs, the names of which would hardly be known if they did not send Members to Parliament, would not be preserved. In all the elements of further reform the Bill was wholly wanting. If it passed it would settle nothing. There would be the same grounds for agitation, and there would be annual Motions for further measures of reform. In 1832 the noble Lord the Member for the City of London said, that Schedule A and the £10 borough franchise were the pillars of the Reform Bill. He believed that an extension of the franchise in boroughs and counties must be the pillars of a Reform Bill now. Hon. Gentlemen opposite could not forget their antecedents. They knew that the small boroughs had been of vast use to them, and they could not be expected to enfranchise large towns, when it was remembered that the same party objected to transfer the Members for East Retford to the then unrepresented towns of Manchester, Birmingham, Leeds, or Sheffield. He was extremely grateful to the Government for the great concession they made in extending the franchise in counties, but "startled at the sound themselves had made," in the same breath they proposed a wholesale disfranchisement of county electors who happened to have freeholds in boroughs. By that fell swoop it was proposed to disfranchise the most liberal and the most intelligent of county electors, and it seemed to be dictated by a lurking feeling of revenge because it was owing to those freeholders that Free Trade was passed. Men felt so strongly on that question that they purchased freeholds solely for the purpose of influencing county elections, and, as he was brought in by the independent freeholders of East Surrey to rescue that division from the Protectionists, it would be most ungrateful in him to assent to their disfranchisement. Such a shuffling of the cards was not the right way to deal with the question. The right way was to ascertain where political capacity really existed, and to disfranchise small boroughs where it did not exist. Four points must be attended to in any future Reform Bill; first, the disfranchisement of small boroughs; second, the enfranchisement of large and wealthy towns; third, the extension of the franchise in counties; and fourth, the extension of the franchise in boroughs, so as to include a substantial portion of the working classes. The Reform Bill was wholly wanting in those elements, and therefore unworthy of consideration.

MR. DUTTON said, he should vote against the Amendment of the noble Lord, not because he objected to the principles of the Resolution, for in those principles he entirely agreed, but because he believed the proper time to consider them was when the Bill was in Committee. It was, in fact, only in Committee that this great question of Reform, by whomsoever introduced, could be properly dealt with. He thought it was neither just nor politic to interfere with the borough freeholders, who for so many centuries had enjoyed the privileges which it was proposed to take from them. He could speak, as well as the noble Lord, of the great antiquity of borough freeholds. The noble Lord traced them to William the Conqueror. In his own part of the country he knew an instance of a freeholder who could go back to nearly the same date—to William Rufus—and he believed that he lived now in the same locality as his family did in those days. He wished the Government had taken the advice of his two right hon. Friends who had seceded from the Cabinet, and who had seceded, as he thought, under circumstances which reflected great credit upon the integrity of their political character, and, as experience had already proved, upon their judgment also. An objection had been raised to the savings' banks clause, but it was simply the negative objection that the clause would be inoperative and would not work. It was said that the amount was too high, but, as far as he could learn, there was no objection on the part of the Government to lower it to £40, or even £30, if such were the will of the House. But even without any reduction, a large class of operatives—namely, artisans who were in the receipt of wages of 6*s.* or 7*s.* a day, were very well able to qualify for a vote under the £60 clause. The amount was too small to be invested in foreign railways and debentures, and they were thus often tempted to lend their money at a high rate of interest to small tradesmen in difficulties, and with the usual condition of a high rate of interest—small security for their capital. The savings bank offered to these operatives the best investment they could have, and the effect of the clause would, he thought, be beneficial in inculcating habits of prudence and forethought. He should vote against the Amendment of the noble Lord, although with great pain. When the Bill got into Committee, if it ever reached that stage, he should ask the House to adopt the Amendments which he thought the Bill required.

Mr. W. J. FOX said, that the hon. Member who had just sat down agreed with the Amendment, and yet announced his determination to vote against it. He dissented from the principle of the Bill, which was uniformity of suffrage, yet he declared he should vote for the second reading. How the hon. Member reconciled these views and intentions it was the hon. Member's business to solve. The hon. Member said he would put his Amendments into the Bill after the second reading. But these Amendments went to the very heart and principle of the Bill. The Opposition offered the Government the opportunity of remoulding the Bill, but they declared that if it were not done they would reject it. He had listened very anxiously throughout this debate to learn what were the great accusations against the working classes, and these accusations certainly ought to have been brought into greater prominence. They had heard strong laudations of the middle classes. They were told that they really governed the country, and they were praised for having obtained the repeal of the Corn Laws, and the other great and excellent measures passed since the Reform Act. He had nothing to say against these praises, since he had been in sympathy with the middle classes in supporting these measures, but they came very oddly from the very party by which all these measures had been opposed. For a quarter of a century the middle classes had struggled for certain principles, and now, hon. Gentlemen opposite, who had fought tooth and nail against them, were smitten with the deepest admiration of the middle classes. He wished to remind these hon. Gentlemen that the middle classes had at this moment many objects still at heart. They were opposed to church rates, yet hon. Gentlemen opposite resisted the abolition of church rates. The middle classes were friendly to the Ballot. The middle classes were solicitous that the working classes should be admitted to the franchise, while hon. Gentlemen opposite objected to their admission. What then became of these magnificent laudations of the middle classes as the ruling power of the country? There was another thing. The great objection, so far as he could discover, to the admission of the working classes was, that they were so numerous that they would swamp the classes above them, and hon. Members opposite declared that the worst thing that could happen to this country was, that it should be governed by one great class. Well, but who were the middle classes? Surely they were more numerous than the classes above them. If the argument was worth anything, that the legislation of the country ought not to be in the hands of a single class, it applied as strongly to the present Government by the middle class as to the Government by the working class, which was more numerous still, and resembled the middle class in being alike diversified in opinions and views. It appeared to him that the disapprobation of the Bill deepened as the debate proceeded. It had always been the hope of this country that a new Reform Bill would provide for the emancipation of the working class. It was the great object to be accomplished. The working class and the middle class carried the Reform Bill of 1832 by their union and energy, with the distinct understanding that as the working classes then with great magnanimity forewent their own admission, and yet assisted in the agitation, they were in their turn to be helped by the middle class. For this they had waited year after year, and now a bribe was held out to the middle classes, who were praised, exalted, petted and rewarded, in order to reconcile them to a measure that excluded the working classes, and thus sought to make the middle classes false and treacherous to their own implied contract. He, for one, did not wish to enfranchise the working classes by driblets. Parliament did not so act in that glorious measure—the emancipation of the negroes. They did not say we will first emancipate those negroes who have cleared so many acres of land; then, after some few years we will emancipate those who are five feet seven inches high; and then we will emancipate some other class equally arbitrarily chosen. No, they emancipated them at once; they declared that henceforward they were free men, and thus the measure was of a magnitude and nobleness equivalent to the occasion. The effect upon Europe and the world was consequently much more propitious to the cause of truth, justice, liberty and freedom than any gradual emancipation. The effect of the emancipation of the working classes would be analagous, for they were, in fact, a slave class. They had nothing to do with the laws but to obey them. They paid taxes, but they had no share in the power that voted them. Hon. Members, perhaps, could hardly conceive the feelings of those classes on this subject. He knew how they felt, for it was not till he was forty years old that he himself had a vote, and he knew the sense of wrong and even of bitterness engendered by the exclusion. Hon. Gentlemen talked of the qualifications that a voter ought to possess. According to them he must be acquainted with home politics, with foreign politics, with political history, with this, that, and the other, with so much in short that if as many qualifications were required of a Member of that House it would be a marvel if a great portion of them got through their examination. Candidates upon the hustings were of two classes. The first were men who had made politics a life-long study, who by their speeches, writings, and deeds belonged to the country, and who might properly be entrusted with its destiny. The second class were men of high local standing, such as merchants, manufacturers, and great landowners, who were properly and fairly looked up to in their localities, and who were returned as fitting representatives of the several interests with which they were connected. Now, the working classes were judges of both these classes, although they did not belong either to one or the other. Now that newspapers were so common and public men lived in houses of glass, men of national reputation were as well known to the inhabitants of any particular district as people who had passed all their days among them. Both in this case and in the case of local men, the working classes might be fairly intrusted with the work, not of legislating, but of selecting persons who were fitted to govern the country. It was said that they were not great political economists; but who was? Accurate knowledge on this point was not so common that the working classes need be reflected upon for wanting it. Then they were described as having very much impeded the operations of the Anti-Corn Law League; but as far back as 1815 when the Corn Laws took the shape under which they had recently existed, the working men had protested against them, and in this way had shown that they were better political economists than even the great merchants of Manchester. Again, in 1832, it was they who generally anticipated that the reformed Parliament would abolish the Corn Laws. True, they held aloof from the League, but they had reasons for doing so, one of which was because the master manufacturers had opposed the Ten Hours Bill, and another was because they thought Free Trade ought to be preceded by Parliamentary Reform. But they only kept aloof for a time, and, if the working classes made a mistake for a few years, he asked did not the landowners and others make a still greater mistake, and cling to protection still more closely? Then it was said that if the working classes had possessed power in this House at the time the Ten Hours Bill passed, the limitation of adult labour would have been included in the provisions of that measure. He did not believe it. When agitation on this subject was warmest he could not recollect a single instance in which the factory operatives petitioned for the limitation of their own hours of labour. They never went beyond the protection of women and children, who certainly stood in need of protection. Another argument brought forward was that the working classes in a particular locality did not like boot-making machines, and had struck in consequence. Well, certainly it was a mistake on their part to resist the introduction of new machinery; but when one remembered how fiercely the proctors had opposed an improvement in the law which affected their interests, and how loudly they had called for compensation in consequence, hon. Gentlemen would perhaps have more consideration for the operatives who fell into a mistake of this sort. But, in point of fact, machine-breaking, rick-burning, and all such violence had passed away like a cloud, and mechanics' institutions had spread abroad a much better spirit. The next argument advanced was that though the working classes might be wise, and honest, and loyal, still, whatever their qualifications were, it was to be feared that all power would pass into their hands. Now, he took that to be one of the greatest chimeras possible. Working men were divided among themselves, like every other class, and they would no more act in opposition to those above them in the social scale than the middle classes had done. They would follow various sets of leaders; they would have in view various objects; and surely the history of the last twenty-five years showed that a class might be intrusted with the influence which the franchise conferred without making war upon other classes, or seeking to destroy existing institutions. In listening to the able and eloquent speech in which the Bill had been introduced, and the very eloquent speech delivered by the Colonial Secretary in its support, he could not help calling to mind that nearly thirty years ago he had had the honour of being introduced to the Chancellor of the Exchequer and the right hon. Baronet. They met then with a unity of feeling, being among those who went furthest in a conviction of the necessity of altering the old exclusive Tory system which prevailed before 1832. A great change had since come over both right hon. Gentlemen. He did not twit them on that score; he made no accusation; he freely conceded that they might both have had clear and strong reasons for their change of opinion. He did not say of them what Goldsmith said of Burke:—

> "Who, born for the universe, narrowed his mind,
> "And to party gave up what was meant for mankind."

He did not wish to insinuate any change of that kind, but he would say to these right hon. Gentlemen, "Stand as fairly acquitted as you may of the change in yourselves, but make allowance for the unchanged working classes." During all the time that had since elapsed what had they seen in them to give rise to feelings of condemnation rather than of sympathy, of exclusion rather than of comprehension? What crime could they lay to their charge? What was their behaviour when all Europe was convulsed? What had they been in times of war and times of peace, in times of prosperity and in times of privation? Had they not borne all like true and honest men, who well deserved the praises that had been heaped upon the middle classes? They had borne with patience and with hope deferred the refusal of their political rights. They had been put off with promise after promise by Government after Government. They still cherished the unextinguishable conviction in their minds that they deserved the franchise—the unextinguishable hope that they might one day obtain it. He trusted that they would not only be included soon within the pale of the constitution, but that they would be received with a joyous and a hearty welcome.

MR. BERESFORD HOPE said, that the hon. Member who had just sat down deserved great credit for having removed the debate from the arena of party conflict and for making a clear way towards discussing the question whether this measure was really a judicious Bill for amending the representation of the people. Of the hon. Member's speech he must say, however, that wise and sound as were his premisses, his conclusions limped lazily after them. He had himself as much respect for the working classes as the hon. Member, but it did not follow from this that he was as willing to vest them with political power. But before they could come to the consideration of the Bill, there was a bar interposed in the Amendment of the noble Lord, and the various other Resolutions which prevented their arriving at the real issue. Speaking as he did from that side of the House he could still, for his own part, condemn such Resolutions with a clean breast and a clear conscience. The two parties had indeed changed their seats last year in consequence of their vote on the abstract Resolution of the hon. Member for Ashton, which prevented them from coming to the consideration of the second reading of the Conspiracy Bill. But he himself had voted with the 99 against the introduction of that measure, and so his vote upon that Resolution was one against the second reading itself, and not one in favour of the proposition of the Member for Ashton. This system of introducing abstract resolutions was one which, though it might be useful in serving a purpose for the time was simply playing pitch-and-toss with the dignity of legislation. He remembered when he was a young man at the University there was a debating society called the Union, at which abstract questions used to be discussed—such as whether Milton or Shakespear were the greater poet? whether the condemnation of Aristides was justifiable? whether the execution of Lord William Russell was defensible? and so on—the debates were both amusing and exciting, and much interest was often felt on the division upon the resolutions moved; for second readings were unknown in that society. No doubt this plan was useful to train men of tender years for public discussion; but it was rather hard that in the great council of the nation they should be carried back to the system of their youth in settling large and important questions by an abstract resolution. As to the Motion itself of the noble Lord, it must be observed that while it laid down an extension of the borough franchise beyond that which now was provided for in the Bill before the House, as well as the retention of the rights of the borough freeholders as indispensable in any satisfactory Reform Bill, it was careful not to state in which direction that extension was to take place. Nothing was mentioned in the Resolutions as to going lower than the £10 limit in respect of occupiers. Accordingly, assuming on the one hand that the Government gave up the transfer of the borough freeholders, and on the other that it lowered the proposed savings' bank franchise from £60 to £40 or £30, and enlarged the numbers of dissenting ministers enfranchisable for each chapel from two to three, then in the letter, if not in the spirit, the Resolution of the noble Lord would have been complied with, and so it might be accepted, and yet the Bill be read the second time—not that he proposed to accept the Resolution — far from it. It was, indeed, nothing more than the spider's web to catch the support of stray votes; but the web was too thin, and the meshes were too weak—although, to be sure, no man was more competent to hit the defects of a Reform Bill than the noble Lord who had himself introduced two—one in 1852, and the other in 1854, neither of which had even attained the dignity of a second reading. But to come to the question itself under discussion. The equalization of the franchise might or might not be the principle of the Bill; but he held it was allowable to discuss the measure without any particular relation to the clause in which that was embodied. For his own part, he laid it down that the two questions to be solved were whether the Bill would propose a franchise for their counties, such as would enable them to be thoroughly represented, and whether it would also thoroughly and sufficiently represent all classes in the boroughs. These were independent of each other. The equalization or identity of the franchise, he maintained, was an impossible achievement, since they could not have the same class of voters in the counties as in the boroughs. There might be the same nominal £10 qualification in each case. But the £10 householders in a borough, living in a street, in a house one out of a row, was not the same man in his position, his tastes, or his interests as the tenant at a £10 rental in a rural district. He dismissed accordingly this question of identity. As to the £10 franchise for counties, he contended that the Government had merely taken that up as a foregone conclusion of that House more than once affirmed on the Motion of the hon. Member for East Surrey. The proposal which had been insidiously called the disfranchisement of the borough freeholders did not deserve the vituperation with which it had been assailed. It seemed to him to be a very reasonable proposal; and he believed that Her Majesty's Government deserved credit for the courage they had displayed in submitting to the consideration of the House that which was sure to array against itself so much of vested interest. All the members of what used to be called "the Manchester School," and who, he presumed, might now be designated "the Birmingham party," had left out of consideration how strongly the town element would be infused into the counties by the enfranchisement of the £10 householders of the smaller towns, composed, as they would be to a great extent, of the middle and trading classes, possessing town feelings and identified with town interests. For example, in the county in which he lived the shopkeepers of Tunbridge and Tunbridge Wells, or Ramsgate and Margate, would become county voters. For his part he could see nothing unfair in preserving as a compensation to the county constituencies their rural character, as far as it could be done by

Mr. Beresford Hope

transferring the votes of the borough freeholders to the boroughs themselves. They had heard a great deal of what he might call the sentimental argument as to there being freeholders the descendants of persons who were freeholders and had votes in the time of William Rufus, or even William the Conqueror. This point had been pressed by his hon. and learned Friend the Member for Newcastle. But, he asked, where they were to be found? Not, certainly, in the middle of our cities and boroughs; they did not enjoy a retreat in the Tower Hamlets; they were to be met with, and then only here and there, in the solitudes of the New Forest or in the wilds of Yorkshire. Besides, many of the boroughs, for which those ancestral freeholders would have votes had only been enfranchised since the Reform Bill of 1832, so that the whole of that mysterious veneration for this ancient franchise fell to the ground, particularly when it seemed to have been enjoyed some 200 years before there was any Parliament to vote for. These sentimental arguments applied to many voters who had only been enfranchised since the Reform Bill of 1832, and they had been used by his hon. and learned Friend with a power of Toryism—he could call it nothing else—which astonished him (Mr. Beresford Hope), coming from that quarter, and with reasons which, if they were worth anything, would go to show that the pot-wallopers, the holders by burgage tenure, and all that fantastic machinery of former days, ought to be restored. But his learned Friend, who he was sure was incapable of misrepresenting, went on to say that now, for the first time, we were to have a class of voters for boroughs living at a distance. Had he then forgotten that one of the main evils which the Reform Bill of 1832 corrected was the enormous preponderance of non-resident freemen, who made the contests so difficult and so expensive, and that one of the most salutary features of that measure was reducing the franchise of freemen within its present moderate and reasonable limits? Now what, he would ask, was the real grievance which the Bill would inflict upon those freeholders who, under its operation, would be transferred from the counties to the boroughs? For his own part, he could not see what great injury could be done to a man by taking away from him a vote for a county, in which he might form only one of a constituency of 10,000 electors, and giving him a vote for a borough in which he would be one of 1,000, thus increasing tenfold his influence in sending a Member to Parliament. Thus much, then, for the justice of the measure so far as it affected the borough freeholders. It was clear, therefore, that this outcry about the disfranchisement of freeholders in boroughs was a sham and a delusion, and a more got-up grievance he (Mr. Beresford Hope) had never heard. It was merely a grievance upon paper. It was never even one of the questions brought before those very innocent, harmless, and most amusing meetings which had been held of late in the cause of Reform. He had found himself in the middle of one of those meetings the other day in Hyde Park, which was one of the most absurd caricatures of popular excitement he ever saw. A man was speaking, some few were listening, others were laughing and larking, and paying not the slightest attention to the orator. He himself stood about as far from that personage as he did at the present moment from the right hon. Gentleman in the Chair, and a respectable working man stood close beside him. He (Mr. Beresford Hope) asked this man, who seemed to have his ears a little more open than the rest, who was talking, and he answered, "I don't know, it is only some democrat." Presently the democrat sat down, whereupon some seven men cheered, and the cheers were then taken up by a number of small boys up an elm-tree, one of whom he (Mr. Beresford Hope) heard afterwards ingenuously assert that he knew nothing whatever of the sentiments which he had so intelligently applauded. He took this meeting as an example, knowing how much it had been spoken of in *The Morning Advertiser*, and he concluded that those which had been held elsewhere were hardly more formidable. He should next advert to that point in connection with the question of Reform upon which the hon. Member for Oldham had laid so much stress—the enfranchisement of the working classes. The hon. Member had put his own case from his point of view with great fairness and clearness. He spoke of the emancipation of the working classes. He said that the working classes ought not to be emancipated by driblets. He referred to the Slave Emancipation Act of 1835. He spoke of the working class as a slave class. At the same time he spoke of their political knowledge; and he had urged as an argument in favour of extending the franchise to those classes their general morality and intelligence. Now, he (Mr. Beresford Hope) was ready to acknowledge their possession of those qualities; but he contended that the State would be exposed to the utmost peril if they were invested with a preponderating power. He (Mr. Beresford Hope) admitted that the working class was an enlightened class, but he denied that they were a slave class, and neither could he admit that their progress in intellectual culture gave them an indefeasible right to the franchise. If we conceded such a principle as that of an indefeasible right to the suffrage, we could never stop until we arrived at universal suffrage, not merely manhood suffrage, but universal suffrage, in the full sense of the term, including the concession of votes to women, a consummation not so thoroughly improbable, in days like these, when we saw a Rev. Antoinette Brown mount the pulpit, and Dr. Elizabeth Blackwell lecturing on medicine in London. And when the country got such universal suffrage, what then? The majority only would be represented, and what would then become of the minority? The minority would still have its indefeasible rights; and in short, all representative government would at last be at an end, and nothing but the absolute force of collective humanity would be able to meet the logical consequences of principles so broadly laid down. The knowledge of the working man deals with impressions — with pictures formed upon the mind—with information that comes at first hand, rather than with ideas based on reflection; it is essentially a hero-worship — a few political men of whom he has particularly heard or read, are, in his mind, the foundation of a system. That the working classes would exercise the franchise with the intention of subverting order and pulling down established institutions, he did not say; but with their dwarfed and political views they would be the tools, the instruments, and the ladders by which dangerous and designing men would rise into power. While upon that point, he might be permitted to draw the attention of hon. Members to a word of significant meaning which was to be found in what he might term the most disastrous page of the political dictionary—he alluded to the word "Socialism." It was a term which in the minds of many was synonymous with barricades, bloodshed, and thrones overturned. In its true sense, however, it meant nothing more than a foolish theory in political economy. It meant an insufficient appreciation of the connection which existed between capital and interest—an insufficient knowledge of those natural laws which controlled production. It pre-supposed that the co-operation of men would stand in the place of the capital, the knowledge, and the enlarged power of an employer; and so the Socialist doctrines were often honestly held by industrious men, in the absence of knowledge of how far their industry was fed by their employer's capital. The working class must be gradually educated out of these views, which, in the meantime, must not be allowed to assume a dangerous force. Ten or fifteen years ago any idea of Socialist doctrines prevailing in this country might have been deemed imaginary; but in the year 1848 they had overwhelmed Europe. The great monarchy —now an empire—nearest to ourselves had been flooded with them; they had made their appearance in parts of Germany, and were even lifting up their heads in this country. But then it was said, on the other hand—Look at the United States. Where do you find socialism there in spite of their universal suffrage? He replied that there they did not find socialism at present, because, happily, that land was, as yet, too broad for its inhabitants. There were to be found millions upon millions of acres of virgin soil, where the workman might shoulder his axe and seek his own fortunes by proceeding to the Far West. In those parts, however, of America where population had already, to a great extent, filled up the territory, as in New York, socialist views were already assuming a dangerous proportion in the public eye. It was in an old country, where the population was dense and the struggle for subsistence was great that the spread of socialistic views was most to be apprehended. Still he should wish to see the working classes possessed of more political power than at present. But he would give the franchise, not as a right, but as a reward. ["Oh, oh!" *from the Opposition*]. Yes, he repeated, as a reward. He hoped the whole of the Members of that House regarded their seats there as rewards for honest and conscientious discharge of duty; and why should not the working man regard his vote in the same honourable light as a Member of Parliament regarded his seat in the Legislature? He, for one, denied that a £10 franchise did not let in the artisan. He himself represented a manufacturing town of more than 20,000 inhabitants. In his own experience, therefore, he had been able to see what a £10 constituency was composed of, and to deny that the £10 franchise did let in the working as well as the middle classes was an utter perversion of the truth. It let in the foreman; it let in the man who had saved money; the frugal, the industrious, and the clever; and if the proposed savings' bank suffrage were given, another class of artisans would be thereby admitted. This savings' bank franchise—he did not say that the amount might not be a question for the Committee—would admit another class of artisans, namely, the single men, or those whose families were so small as to render it inexpedient to have houses. These would be the best of their class—the clever and the prudent. The superior artisan on all occasions gave more than his own vote. He was always the leader of some little knot—some six or eight—whom he met when he went to take refreshment at the public-house—they had not yet got the Maine Law in this country—where he read the papers, which could be procured for a small sum, and where he discussed the political and other subjects every day. When such a man gave his vote, he represented not alone himself, but those also to whom he might be considered the leader. Such a man could easily attain the franchise, if he worked through the day, and read his paper in the evening, and better still, if he frequented the Mechanics' Institutes. [An hon. MEMBER: Work all day?] Why, if he read all day, although he might be able in the end to argue as well as the hon. Member for Oldham himself, he would never get the suffrage by that means. When he voted, his vote would be, in fact, tendered by him as the representative of his own circle. If only for the sake of a quiet life he would be almost sure not to fly directly in the teeth of those with whom he was continually consorting, and thus, through him, these persons would indirectly contribute their votes. With regard to other schemes of franchise, such as those competitive examinations, which some persons had proposed, working, he supposed, a rule of three, or double rule of three sum in arithmetic, any such expedient would reduce us to a system of dogmatic theorising which might do very well in continental nations, but from which our constitution had hitherto been happily free. But there was one feature of the measure before the House in which he was not quite prepared to concur. He alluded to the use of voting papers, his objections to which, however, were not based upon the same grounds as those of hon. Gentlemen opposite. The evils which he saw in the voting papers did not arise from their use, but their possible abuse. In itself the principle was a correct one, that where a constituency existed it should be polled to the very last man; but what he feared was that the collection of voting papers, unless some more stringent regulations were adopted than those contained in the Bill, would be made an engine of electioneering corruption and electioneering bullying; that the poor voter might be compelled to produce his voting-paper and sign it in the presence of the canvassing attorney for one or other candidate, with his clerk as the second witness; and that other evils might result from the system of which it was impossible at this moment to see the end. These objections, however, might be possibly remedied, and he saw no particular reason why the poll should be added up before the lapse of one or two days from its close; and why, in the second place, the system of voting-papers should not be limited to the concession to the non-resident voter, of voting by paper at the polling place nearest to his place of residence for his distant qualification, which vote duly received and certified by the returning officer there would be by him transmitted to the officials of the locality in respect of which it was tendered. Upon another point he thought the Government had exhibited very commendable courage; he alluded to the non-disfranchisement of the small boroughs. It was easy enough to gain popularity by proposing the disfranchisement of the small boroughs, and he thought, therefore, they had done well in standing out for the preservation of a few seats, which at the worst did no harm, and at the best had been the means of returning many eminent statesmen to this House who might not otherwise have been able to take part in the great councils of the nation. It might be asked why Calne, Midhurst, Wilton, and other boroughs should return Members to this House. Good! but, as they did return Members to the House, and had done so for a very long period, why should the right be taken away from them now? Those boroughs had returned Members sometimes to one side of the House and sometimes to the other; and but for one of them (Wilton) the House would for some time have been deprived of the eloquence of the right hon. Gentleman the Member for South Wilts; and, but for another, Midhurst, of the talents of the right hon. Gentleman the Member for the University of Cambridge. If they admitted a system of representation by a minority, which formed a part of the Reform Bill of the noble Lord (Lord J. Russell) in 1854, then they might do away with the small boroughs; but until they did that they must fall back upon the only second-best expedient in their power—namely, the small boroughs which now happened to be in possession of the franchise. Under all these circumstances, then, seeing that the opposition to the Bill, instead of taking the manly course of an "aye" or "no" upon the second reading, rested upon an abstract principle contained in a dogmatic Resolution; that the Bill itself did not attempt high theoretic principles; that it merely went practically to work, whether sufficiently or insufficiently, to correct certain existing and acknowledged faults, and that it was a compromise — a compromise in the true sense of the term—namely, a recognition of the fact that there were two sides to the question, which by mutual concession might be settled in peace and harmony; and that, as he thought, it fairly attempted to effect an improvement in the representation of the people—he should certainly vote against the abstract Resolution of the noble Lord, and in favour of the second reading of the Bill.

Mr. BERNAL OSBORNE: Sir, if I do not attempt to follow the hon. Member for Maidstone (Mr. Beresford Hope) through his ingenious and elaborate speculations on this debate, it is from no disrespect to him, but his speech was so much a private and confidential communication to the Treasury Bench, that really it was very difficult for any Gentleman on this side of the House to hear what he said; but what I did hear was quite sufficient to assure me that he is not the Reformer he represented himself to be when I canvassed the borough of Dungarvon in his favour, six years ago. But to proceed to this question of Reform; I think it is in a most anomalous position. We are told by Her Majesty's Government that no one in the country cares about Reform; yet by an extraordinary coincidence, everybody is anxious to carry a Reform Bill. Now, I am not about to scan the motives or examine the antecedents of the right hon. Gentleman. I think Her Majesty's Government have fully redeemed the pledge they gave last year, that they would bring in a Reform Bill. But it would have been as well, before they touched this difficult subject if they had resolved to deal with it in a more liberal spirit; that would have given some assurance of effecting a permanent settlement; because, unless the question is settled on a permanent basis, it would have been better never to have brought in a Reform Bill at all. However, Her Majesty's Government have done their duty, and it remains for the House to decide how far the measure is an improvement on the Act of 1832, and how far it offers a prospect of a permanent settlement of the question. Now why was any Reform Bill brought in? The Chancellor of the Exchequer has boldly acknowledged the merits of the Act of 1832; he called it the greatest measure that had been passed for 500 years. I believe the right hon. Gentleman was perfectly sincere when, in his able and statesmanlike speech, he called it a great measure. Then why are we now called on to interfere with that Act? It certainly possessed great merits; it gave a large share of power to the middle classes, that had not before been admitted to all the benefits of the constitution; but it had also great defects — it excluded the mass of the working classes from any share in the representation of the country. I take it therefore that if we are now asked for Reform, it is to redress the great grievances left by the Act of 1832. But does this Bill propose to do that? If there were any doubts on this point they must have been dispelled by the splendid declamation of the Secretary for the Colonies. He told us that he had a great respect for the working men, whether in fustian jackets or in smock frocks, that they were very "good fellows" rather than not, but he declined to admit them to any greater share of political power. In beautiful and eloquent language he inscribed "Resistance" and "No surrender" on the banners he has lately hoisted in the Conservative camp. And when the right hon. Gentleman twitted my right hon. Friend below me on the differences that exist on this side of the House with regard to the Ballot, and following the noble Lord the Secretary for India spoke of the present Resolution as being the same sort of Motion as the Appropriation Clause of 1835, I think it ill became him, who himself voted for that Appropriation Clause, and who has both spoken and voted in favour of the Ballot. I acknowledge the great ability of the right hon. Gentleman; but when he talks of the modification that has taken place in his opinions, I regret that while he rivals Burke in the splendour of his sentiments and eloquence of his periods, he goes far beyond that distinguished statesman in the facility with which he has deserted the principles of his early Parliamentary life. The "literary Whig" has become the "conservative philosopher," and as Colonial Secretary is employed in denouncing the working classes he once so highly extolled. The right hon. Gentleman attempted to mislead the House by raising a false issue in this discussion. What did he do? He brought forward an old story of the French Revolution and the fall of the French monarchy. Why, I ask that right hon. Gentleman, who has written and read history to such purpose, what was the cause of the fall of the French monarchy? Was it not by carrying into action those very principles which he has so eloquently expressed? Was it not by the principle of no surrender to the people and no legislation on the subject of Parliamentary Reform that the French Monarchy fell? At least such is my reading of history. Should the right hon. Gentleman ever indite a history of France, I hope he will write it on principles very different from those which he advocated on Tuesday night. But the right hon. Gentleman went further. The right hon. Gentleman, carrying out this parallel of France, forgot that on a subsequent occasion it was mainly this principle of uniformity of suffrage that brought about the great revolution in France. What was the suffrage as it existed in France? Why, every man who paid direct taxes to the amount of £12 had a vote. I believe I am correctly representing the French suffrage as it was at that day. And what was the consequence? There was a broad line of demarcation between the rich and the poor. One hundred thousand voters was the whole amount of voters that the Colonial Secretary of France of that day thought could be safely permitted. And what occurred? That "ugly rush" which has been so well alluded to by the late President of the Board of Trade. The French monarchy and the French constitution fell. I need not say how. The French Minister of that day, like the English Colonial Secretary of this day, called on the middle classes to stand by their own order. They attempted to raise a war of classes. And what was the conduct of the middle classes? Why they did not stand by their own order, and the Minister who called upon them to stand by their own order met a fate which I hope will never befall the right hon. Gentleman. Well, so much for this principle of identity of suffrage, which I hold to be not only dangerous but revolutionary in its tendency. I think the hon. Member for Maidstone (Mr. B. Hope) said something about democracy, and that was the only part of his speech that I caught. If he had read and studied that principle in the Bill I think he would have taken greater objections to the Bill of the right hon. Gentleman on the Treasury Bench than have been taken by hon. Gentlemen on this side of the House. The right hon. Gentleman, the at present conservative philosopher, talks of the "deplorable rubbish" that has been spoken on this question; but he has forgotten what was spoken by the Earl of Derby in 1854, and I observe that throughout the debate this is a subject which has been carefully avoided by hon. Gentlemen on the other side of the House. The noble Lord laid down distinctly in 1854 that the true and only principle on which a Reform Bill should be brought in was the keeping up of the distinction between the suffrages in counties and boroughs. He called this the "main balance of the constitution." The noble Lord, for what reason I cannot tell, has altered his opinions on this point. But what is to become of the main balance of the constitution? My main objection to the Bill is the same as that which induced the two right hon. Gentlemen opposite to leave the Government; and, if I were to give some advice to the Treasury Bench, I would say, Get rid of this mischievous principle, take back those two good and excellent men, who will give strength and stability to your Government. Let them prepare and bring in a Reform Bill, and I take upon myself to say that their Reform Bill would receive greater support than this Reform Bill of the Government has received. Now, so much for the principle of this Bill. Let us now see how the right hon. Gentleman the Colonial Secretary, who has so great a respect for working men, whether wearing fustian jackets in the town or smock frocks in the field, proposes to benefit them by this Bill. Why, Sir, it so happens in this Bill that the working classes are never recognized except when they are to be disfranchised. The working classes are never noticed in this Bill except when reference is made to the dockyard labourers. The right hon. Gentleman who has so much respect for the cultivated intelligence of these mechanics, and who has, I grant, made great exertions to establish the penny press for the purpose of elevating them in the social scale, nevertheless advocates the disfranchisement of the whole body of the cultivated mechanics employed in the dockyards. That might have been very well in 1852, when the Committee that sat upon the dockyards discovered so much that was wrong in the way of intimidation and coercion. But a very different state of things has since arisen. In 1856 was published and sent a circular to the dockyards, by which the patronage was taken out of the hands of the Admiralty and given to the superintendents of the yards. And that was done mainly that the cultivated intelligence of these mechanics should have a fair chance, and that they should vote without being liable to pressure from the Admiralty of the day. But what does the right hon. Gentleman do now? Has he revoked that order? I should like to hear something from the First Lord of the Admiralty on that point. Has that order been revoked, and is the patronage now in the hands of the Admiralty? If not, how do you reconcile it with your proposition to disqualify these men, who are eminently superior and cultivated in their class? Well, this is the only part of the Bill in which labourers of the mechanic class are at all alluded to. I perfectly agree with what the hon. Member for Birmingham has said about these fancy franchises, though to say so I suppose will be according to some hon. Gentlemen on the other side to acknowledge myself a revolutionist. I agree with the hon. Member that they are not the thing for the people of England. This is merely the political millinery of Downing Street. What you want is a broad and simple test. Variety of suffrage if you like, but let the test be broad and simple. I am for a property test. I grant it is an imperfect test, but still it is a test, because, as has been well said by one of "those writers of deplorable rubbish" alluded to by the right hon. Gentleman the Colonial Secretary, the inheritance of property implies a guarantee of education, and the acquirement of property implies intelligence. Therefore, I say, let us have none of these fancy franchises now introduced for the first time. I will now shortly allude to the details of this Bill. I take, for instance, this lodging-house franchise, which has been put forth as so great a boon to those gentlemen in smock frocks and fustain jackets for whom the right hon. Gentleman has so much respect. What are the facts with regard to this class? I find on inquiry that the rent paid by these cultivated intelligent mechanics is about a tenth of the wages earned by them. You propose to give the franchise to men who rent lodgings at 8*s*. a week, that is to say £20 a year. That proposal will admit to the franchise not mechanics, but a class of men who earn £200 a year and upwards. This will not admit the working men of the country. In fact, it is a cunningly devised scheme to keep them out. The lodging-house franchise is only a delusion. How long is the claimant of this vote to be a resident? This franchise would be completely at the mercy of a scolding landlady or a smoky chimney. Take your savings' bank franchise, a better qualification than the other I admit, but it is somewhat questionable whether it will bring in the working men. The deposit of £60 in the savings banks will merely give a vote to a body of small capitalists, but not to the working classes. I won't go into the case of these pensioners of the Government or of the schoolmasters who are to receive certificates from the Government. I won't go into the case of the doctors and the lawyers who have got the franchise already. But I ask when these things are proposed to be given is there any one of these fancy franchises by which the working man will have the advantage of a vote? I challenge the Treasury Bench to prove that the working classes will get any advantage. In fact, we have been assured in a very ingenious manner by the noble Lord the President of the India Board that Mr. Holyoake says the working classes do not want the franchise. Does the House know who Mr. Holyoake is. I believe that when the noble Lord quoted Mr. Holyoake the House imagined that he was quoting the worthy son of a respectable Northamptonshire Baronet. Mr. Holyoake is a very clever political lecturer of free-thinking opinions. I see the hon. Member for North Warwickshire (Mr. Spooner)—and I do not wonder at at it—shaking his head very gravely. I do not wonder at it when he finds the President of the India Board, the future Prime Minister of this country, quoting an infidel lecturer as an authority for the guidance of Parliament with respect to the opinion of the working classes on this subject. [*Great laughter, in which Mr. Spooner joined.*] Mr. Holyoake is no authority in this House. The noble Lord (Lord Stanley) on the other hand said that nothing but custom and tradition could be urged for continuing the franchise to the 40*s.* freeholders. When I come to the disfranchisement of the 40*s.* freeholders what do I see? A variety of the most amusing opinions. The hon. Member for Maidstone said they had only been enfranchised since 1832. But why should they be disfranchised? No accusation had been brought against them, except their independence. That is the only reason why they are obnoxious to the Government. Because they are independent a political Procrustes is to dismember them in the boroughs and stretch them a little in the counties. All this is done, they say, for the sake of uniformity, by which everything is to be reduced to a dead level. But if the Bill were open to no other objection than this, I hope the House of Commons has sufficient spirit and reverence for custom and tradition to resist this effort to disfranchise this creditable and independent body of men. Turn to the mode in which this Bill professes to deal with the small boroughs. The Chancellor of the Exchequer in his speech gave us his *beau ideal* of what a borough should be. He said, if I recollect rightly, that a borough should have a constituency large enough to be independent and select enough to be responsible. I agree with him. I don't object to small boroughs because they are small, but because, in proportion to their smallness, they are under the control of some patron. And when the right hon. Gentleman gave us the instance of Arundel, and told us that he virtually represented 900,000 Roman Catholics, I say nothing in my whole political experience ever astonished me so much as that statement. Now, what is the real case of Arundel; for it has never yet been fully put before the House? Before the Reform Act of 1832 Arundel returned two Members to Parliament. Since that time the constituency of that borough—I beg the noble Lord's pardon, but really this has been forced upon me—its constituency has dwindled from 400 to about 198. And how did Lord Surrey—who sat in this House for Arundel, and to whom I suppose the right hon. Gentleman referred — represent the interests of these 900,000 Roman Catholics? In 1851 that unfortunate measure, the Ecclesiastical Titles Bill was brought in. I remember it well. I have always regretted it, and I voted against it. So did the noble Lord the then Member for Arundel, and how did he fare in consequence? What became of this representative of your 900,000 Roman Catholics? Why, the noble Lord was obliged to quit his seat; he got a hint to leave Arundel from the proprietor of the borough, and was obliged to take refuge in the city of Limerick. Because he had voted on behalf of the 900,000 English Roman Catholics as Member for Arundel he was compelled to flee to the Irish city of Limerick, and continue to represent them there. Could the House have a better illustration of the rottenness of the whole system than this very case of Arundel, the right hon. Gentleman's *beau ideal* of boroughs? Now, I want to know what are the reasons assigned why we should vote against the Resolution of the noble Lord the Member for London? Some of those reasons are very strange, especially those that have been put forward on this side of the House. My right hon. Friend the Member for Stroud (Mr. Horsman) who we all know is a very dyspeptic politician, gave some very peculiar reasons. I say "very peculiar," but not original, because I believe every Member of this House had read them the week before in the celebrated letter to "My dear Elcho." The right hon. Gentleman seems quite content to open his mouth and shut his eyes and see what the Government will send him. He says to them, "Give all you can, and let me dream the rest!" And with a refinement of cruelty that it would be impossible to exceed he adds, "the Ministry is sick unto death. I once voted against Sir Robert Peel, and I am very sorry for it. They are sick unto death. Do not put an end to their sufferings; but come with me into Committee, and we will torture them out of existence." And then, Sir, he throws out some dark and mysterious hints about the drawing of this Resolution which I am told have made some five or six Members of this House very unhappy. He asks, "Whose image and superscription does it bear?" I know he must have been alluding here to the right hon. Gentleman the Member for Ashton-under-Lyne (Mr. M. Gibson) "the author of all evil." I shall effectually set at rest the question which has been often put to me, "To whom do the right hon. Gentleman's insinuations point?" I much regret that my right hon. Friend (Mr. Horsman) was not consulted in the framing of this Resolution; but how he, after the speech of the Secretary of State for the Colonies—I was going to say the speech of his right hon. Colleague—how he, an ardent Reformer, with his constituency at Stroud, including so many working men, can propose to treat this measure like a common turnpike Bill, and vote against the Resolution of the noble Lord, I confess passes my comprehension. We have also had very curious reasons alleged by the other side. The right hon. Member for Belfast (Sir H. Cairns) made a very ingenious speech, but I must say that that right hon. Gentleman—[An hon. MEMBER, in correction: "Hon. and learned Gentleman"]—well, I have no doubt, though it is wrong to ascribe motives, that he is looking forward to being a right hon. Gentleman,—what did he say? Unmindful of the deep obligations he is under to the hon. Member for Birmingham, he severely criticized him, and charged him with being in "the same boat" with the noble Lord the Member for the city. But did the hon. Member for Belfast forget that had it not been for the aid of the hon. Member for Birmingham on a particular occasion he would not have been pulling the stroke oar in the Ministerial boat now? No doubt, the hon. Member for Belfast feels very uncomfortable at the bad steering. [The SOLICITOR GENERAL: No.] Well, he does not feel uncomfortable; he is perfectly resigned to his fate. He appeared so the other night. When a man ascribes motives he is not very comfortable himself. But I ask that hon. and learned Gentleman how dared he impute motives to the noble Lord? How dared he say that the noble Lord in moving this Amendment is actuated by personal motives—by motives of political aggrandizement and private advantage? What would that hon. and learned Member say if it were whispered that he was actuated by motives of "political aggrandizement and private advantage"—that in supporting the Government he had visions of the woolsack flitting before him? He comes into this House as a professional man, and is perfectly entitled to look to such advancement. I make it no matter of reproach to him. But he is not entitled lightly to attribute motives of private advantage to any hon. Member of this House. How does the hon. Gentleman get out of his hustings pledges at Belfast? I remember well that at his election he told his constituents there were two questions to be considered, one of expediency and one of principle. This very question of Reform he described as one of expediency, and if every man had a crotchet no Government could go on. Then, turning to the subject of the exclusion of the Jews, that, he said, was a question of principle, which ought never to be abandoned. But he has abandoned it. Well, he is only imitating his predecessors in office. I never wish to ascribe motives. The hon. and learned Gentleman quoted from a speech made by the noble Lord the Member for the city some years ago as to the hon. Member for Manchester being of a narrow mind. Let me give him an extract from as great an authority on the Treasury bench in respect to the leader of his own Ministry. At any rate, it is as apt a quotation as the one adduced by the hon. Member. Here is the opinion given of the head of the present Government by an authority whom I will presently disclose. It is a very odd thing, but it refers to the famous appropriation clause, about which we have heard so much. This high authority, glowing with that declamatory eloquence of which he is so perfect a master, and assuming that impassioned strain which always captivates the House, says:—

> "Will no experience warn? You resist the principle of a small reform; beware how your own procrastination irritates the public mind to that point when even a large reform can do little more than save you from revolution."

You will remark that he always deals largely in revolution. Then comes his opinion. Speaking of Lord Stanley he says:—

> "He did not look very favourably upon the suggestions of one whose very abilities had only served to render more conspicuous the great disproportion between his unrivalled power as a debater and his ill-luck, no less unrivalled, in his capacity as a legislator."

This was the language held by the present Colonial Secretary in 1838. When, therefore, the hon. and learned Member for Belfast twits the noble Lord for speaking so disparagingly of the hon. Member for Birmingham, I recommend him to look at home and read up the debates. I have said that I would not ascribe motives, nor will I. I, for one, give the greatest credit to the right hon. Gentleman the leader of this House. I believe he is a man of great talents, and has a noble ambition. I think the democracy of this country have much to thank him for. He has had great difficulties to contend with, having an omnibus full of country gentlemen to pull up hill. He has pulled them up, and if they are consistent as a party they ought to thank him for it. He has pulled them up to the emancipation of the Jews, and I give him credit for it, which was so much against the principles of the hon. and learned Member for Belfast, though it did not hinder him from retaining his seat on that bench. I honour the right hon. Gentleman's great intelligence, his undoubted abilities, and his excellent motives; I only regret that he has consented to separate himself from the two right hon. Gentlemen on the third bench behind him, and that he has initiated a Bill which I believe to be an act of spoliation and injustice, which is change without progress, and innovation without improvement. Feeling this, I cannot hesitate for one moment in voting heartily for the Resolution of my noble Friend.

Mr. WALPOLE: Sir, the longer I listen to this debate, the more convinced am I—in common, I think, with almost the whole of the House—that we are placed in a position of considerable difficulty and embarrassment, from which the speech of the hon. Gentleman who has just sat down—lively as was its wit, powerful as were its arguments in many parts—is not likely to extricate us. On the one hand we have a Reform Bill announced by the Government, which, unfortunately, from the principles that are more or less involved in it, will not, and I think cannot, without material alteration, be acceptable either to this House or to the country. On the other hand, I feel, in common, I believe, with most of those who have spoken in this debate, and in common with the hon. Gentleman who has just sat down, that it is desirable to endeavour, if possible, to come to a settlement, instead of continuing the agitation on this subject, instead of hanging it up for another year, or, I may say, of turning it adrift once more with nothing to direct and guide its course. Placed in this difficulty, and looking at this debate, I feel I own more than ordinary anxiety, first, to settle the question if we can; and secondly, to settle in such a manner as not to involve the recognition of principles, fatal to the constitution, and which will not be of a fixed and permanent character. The embarrassment in which we are placed has materially increased since the debate began, for every one who has spoken has addressed one set of sentiments to the House, and announced his intention of voting against them. The hon. Member for Dorsetshire (Mr. Sturt) in a speech which I am sure must make the House regret that he has so seldom addressed it before, and which I hope will encourage him to address it more frequently hereafter, states his objections to this Bill in language so clear and so forcible that the only wonder is the conclusion at which he had arrived—was after all to vote in favour of it. The right hon. Gentleman the Member for Stroud (Mr. Horsman)—whom certainly the hon. Member for Dovor (Mr. B. Osborne) has this evening paid off—in a speech which, I think I may characterize as more ingenious than judicious, told the House that he was so much against the Bill that he could not agree to the first eighteen lines of the first clause; and yet, not agreeing to those eighteen lines, which more or less involved the whole principle of the Bill, he will vote for the second reading without an assurance that any alteration in this clause will be conceded. That being so, I wish to submit to the House the views which I take of the measure itself, as well as of the Amendments proposed to be appended to it, and then, if I can, fairly to draw a conclusion as to what on the whole will be the best mode of bringing this question to a satisfactory settlement. Now, Sir, as to the measure itself, I will make *in limine* this observation. It has always struck me that when you are discussing as it were the first principles of Government, when you are considering material alterations in the constitution of the State, your first duty is to see what practical grievances are to be found in that constitution, or what practical deficiencies require to be supplied. Having done that—for I wish to bring this matter to a practical test, and to set aside as much as I can all mere theoretical and speculative arguments — we should then endeavour to remedy those grievances and supply those deficiencies in such a manner as to recognize in the changes we make all the prescriptive rights and usages of the nation—to make them harmonize as far as we can with our existing constitution—to elevate, as my right hon. Friend the Colonial Secretary said in his able speech the other night, not to depress the character of this House, and to bring the question, if not to a complete settlement, at least to a settlement which will be generally acceptable. That was the manner in which the noble Lord opposite and his friends proceeded in 1832. They inquired into these grievances; they applied practical remedies to them, and they adhered in the main to the acknowledged principles of the constitution. Then you had many more practical inconveniences than you have at present, and those grievances—I am not now speaking of the theoretical, but the practical grievances—were more or less disposed of by that memorable measure. You had towns, like Birmingham, which had no Members they could justly call their own to represent them. You had small boroughs which had either fallen into decay or had been so insignificant for many years that you could hardly assign to them anything more than a merely nominal existence. Even in many towns which were represented you had the constituencies confined within such narrow limits—they were more or less circumscribed by close corporations—that they required expansion, in order to give to the independent inhabitants some voice in the choice of their Members. In addition to all this, you had elections lasting for fourteen days, spreading through counties and boroughs turmoil, extravagance, confusion, and violence, and you wanted lists and registers of voters in order to prevent the delay, the uncertainty, and expense of scrutinies. All these grievances you remedied, not by introducing any novelties, not by deviating from any settled principle, but simply and solely by looking to the nature and character of those grievances, and by applying to them a practical remedy. On the present occasion we are placed in a somewhat different position. Without denying that there is much in the measure now introduced which does apply itself to the only practical inconveniences and evils which I believe exist, and which I will presently point out,—without denying that there is much which is good in the Bill, and much which is capable of being turned to excellent account, still I must say that in one or two parts it will be found, I think, too ingenious; in one or two parts it contains provisions which are not wise; and in one or two parts, if not amended, it involves principles which, I firmly believe, will lead to the entire alteration and the ultimate subversion of the mixed form of Government under which we live. Now, Sir, as I have said I wish to deal with the question in a practical manner. What, then, are the evils which now exist in your system? I think they may be classed under three heads—two of which have been adverted to by the hon. Gentleman who has just sat down. The first is that the right of voting is certainly not now extended to all those persons who by their intelligence, position, and independence are entitled to it. That I believe to be the main practical grievance at present, and that, therefore, is the point to which we ought principally to attend. The second inconvenience, now be it remembered of smaller importance than before the Reform Act, is, that there are still some places either not represented, or not adequately represented, which by reason of their importance, whether agricultural, manufacturing, or commercial, ought to have Members of their own. The third inconvenience is a most serious one—namely, that you do not give to the electors the greatest facility for exercising their franchise as freely and as easily as circumstances will admit. Sir, I wish to state the question broadly and fairly, and to shirk no difficulties, and if the House will permit me I will deal with these evils in an inverse order. I take, then, first the case of the facilities to be afforded to every elector for recording his vote. In making a proposition on this part of the subject, I cannot expect to meet the wishes of those whom I see opposite to me below the gangway, because they will answer me in one short sentence—I suppose I might say in one short word—and that word of course is "ballot." Well, Sir, I am not afraid of the ballot. I am not afraid of the ballot because it would endanger that party to which I belong. I am not alarmed at it because, as the argument always is on the other side, there is any desire on the part of those who resist the ballot to intimidate and corrupt electors. I object to the ballot for these reasons, which I think have never been answered. The first is, that if under a system of secret voting corruption does take place, if fraud and personation accompany an election, you have no means whatever of detecting that corruption, or that fraudulent personation. I object to it in the second place and mainly, because I am convinced that in all your institutions, if you wish to have honesty and purity of conduct, you must bring every one to the open bar of public opinion, and make him responsible for all his acts whatever they may be. Well then, Sir, as I cannot consent to this remedy of the ballot, I give great credit to the Government for the manner in which they have endeavoured to deal with this part of the question. I know I am now not taking the popular course, because I see that some of you are about to object to voting papers.

Being unpopular I am the more anxious to support the Government in what I knew to be an honest proposition, and what I believe to be a good one. The principle of these voting papers is plain, and if you can guard it from being employed for a fraudulent purpose it is a most beneficial one; it is simply this, that instead of carrying the electors to the poll you shall carry the poll to the electors. Now, what would follow from the adoption of this principle? In the first place it will diminish enormously the expense of elections. In the second place it would avoid the recurrence of all those angry discussions and difficulties about payments for refreshments, and for the travelling expenses of voters. In the third place, it would remove, to a great extent, all those acts of intimidation and violence which often prevent the better class of electors from going to the poll. In the next place it would enable many persons in business—bankers, manufacturers, traders, and artisans,—to declare their votes and wishes at an election without any trouble and without any fear. If I am right in this belief the consequence will be that you will raise the character of electors, and with the increase of their numbers you will get a calmer judgment and deliberation in the exercise of the franchise than that which you can ever hope to obtain by resigning the election to the noisy uncertainty of popular hopes, or popular caprice. But there are objections to this plan, and those objections are principally two. You say that it will facilitate personation and fraud, and that it will increase bribery. Now, I hope my right hon. Friends on the Treasury bench will pardon me for pointing out a defect in their scheme which, unless remedied, may certainly expose it to those objections. The voting paper is to be sent for by the elector, filled in by him in the presence of two witnesses, one of whom is to be a householder, and then returned to the returning officer. Why is only one of the witnesses to be a householder, and why is that householder to be a person taken from any part of the country, and who may therefore easily give a fictitious address? If you wish for security against personation and fraud, there is only one way in which you can obtain it. You must require both the witnesses to be householders resident in the place where the declaration is made; and, in my opinion, that declaration ought only to be allowed in the presence of some public officer. If you do that, you will then have a security against personation and fraud, you will appeal to the open sense of shame which will operate upon the mind of every elector, and should fraud be practised, you will supply yourselves with evidence which will at once enable you to detect its commission. Upon this part of the case I should like to quote a passage from the great historian of Rome, which I think will show the propriety of the suggestion to which I have adverted. Speaking of the change of the public vote into secret voting, he says:—

> "So long as they took the voices aloud, the conduct of each citizen was exposed to the eyes and the ears of his friends and his countrymen; and the aspect of a grave magistrate was a living lesson to the multitude. The new method of secret voting abolished the influence of fear and shame, of honour and of interest, and the abuse of freedom accelerated the progress of anarchy and of despotism."

That passage is from Gibbon's *Decline and Fall of the Roman Empire*, and it is worth remembering in any discussion, either on voting papers or on the Ballot. What, therefore, I wish you to do is, to have these declarations made before a public officer, and if you do that, I believe that you will have as complete a security against personation and fraud as can be devised. But, then, I am told that the adoption of this system will increase bribery. Why and when does bribery take place? It takes place during the last two hours of the election, when the contest is drawing to a close. Nobody will bribe unless he thinks he shall obtain something by it, but so long as these papers remain behind he will never know that the contest is a close one. Consequently, under such a system he will have no temptation to commit bribery, because he will never feel certain that he will gain anything by it. Upon that part of the question, with such suggestions as I have made, I am happy to give my cordial support to the proposition of the Government. I now proceed to the second part of the subject, which was more or less adverted to by the hon. Gentleman who has just sat down. I mean the question of giving to those places which are either unrepresented or not adequately represented, Members to represent them. The proposition of the Government is to withdraw one Member from fifteen boroughs, and to transfer those Members to certain towns and to have divisions of certain counties. Here again, I think you have got a practical inconvenience which, saving the presence of hon. Gentlemen opposite, is well and easily remedied. If you take the map of England in your hand, you have but a few places which can come under the category of being unrepresented. There are a few large towns, like Birkenhead, Burnley, and Staleybridge, which have no Members, and a few counties which are so large that they may fairly claim to be divided, on the same principle on which you have divided counties before. When you have supplied those wants, I believe you will have done all that is practically required. ["Oh, oh!"] Yes! I say practically, and I think I can prove it. Then, how are you to do this? The hon. Gentleman who has just sat down complains grievously of this part of the Bill. He evidently objects to small boroughs, and wishes to have a total disfranchisement of them — [Mr. B. OSBORNE: No! Nomination boroughs.] Nomination boroughs! Will the hon. Gentleman give me leave to ask how he will define a nomination borough? [Mr. B. OSBORNE: Midhurst.] I am obliged to the hon. Gentleman for giving me an illustration which, fortunately, I can easily answer, because I am better acquainted with Midhurst than any other borough in the kingdom. Midhurst has been a borough almost ever since you have had Parliaments. It was a small nomination borough returning Members to Parliament with qualifications arising, I believe, from two old buildings. The owner of the borough was a Whig; all the property round the borough was owned by Whigs, and therefore Midhurst was not disfranchised in 1832. But it was extended, and it has now an area almost as large as some small counties. [Mr. BRIGHT: Hear, hear!] The great ally of the hon. Member for Bimingham — Mr. Cobden—lives in the borough, and he can tell whether I am right or wrong in what I am going to say. Under whose nomination is Midhurst? I know your answer, but the Peer who you think has the nomination of the borough has not fifty tenants in it; I do not believe he has as many as forty. Midhurst is an agricultural borough, with proprietors, no doubt, around it of Conservative principles. One of them lives in the immediate neighbourhood, but I can tell the hon. Gentleman (Mr. Osborne) that there is as much independence among a large class of voters in Midhurst as there is in the town of Dovor itself. Will you have no gratitude to a borough that I venture to say, when you force me to the subject, has returned some Members who have perhaps given a greater character to the House of Commons than any statesman you could name? The noble Lord the Member for the city knows that when Mr. Fox was nineteen years of age he owed to the nomination borough of Midhurst his seat in this House. The Whig party is indebted for the fame of that great man to his early seat in this House, which he obtained through Midhurst, and I hope the Whigs, at all events, will never show such a want of generosity as to disfranchise the borough which, by that one election, has added as much to the character of the House of Commons as many of the greatest towns in England. I feel I ought to apologize to the House for this digression; but I shall now resume my argument with the hon. Member for Dovor. He wishes to do away with nomination boroughs; but I say, according to the principles upon which he has been arguing the other parts of the case, he ought not to attempt anything of the kind. Why do I say so? Because the greatness of England depends, in my opinion, and, according to the argument of the hon. Gentleman, in his opinion too, upon prescriptive rights. Do away with the prescription of the boroughs which you call nomination, confound them with other districts, break up all your old landmarks, and what will happen? I do not see the right hon. Member for Kidderminster (Mr. Lowe) in his place, but I read the speech which he delivered in the autumn—and an able speech it was, one of the most able I ever read — in which he eloquently impressed upon his constituents this great truth—that, whatever you do, above all things you ought not to break off your connection and your ties with the past. What are those ties? They are the ties which give continuity to the life and existence of a nation—the ties of association, of tradition, of national customs, the force of habit, an improving experience, and the principle of growth. Such are the ties which make a nation, and if you break them off by doing away with prespective rights in the case of boroughs, any more than in the case of freeholders in counties, whose rights you are going to preserve, from that moment you jeopardize the security and stability of the Government. Let not my argument be misunderstood. I would not continue a borough, if, as the hon. Member says, it is a mere nomination borough, deriving its existence, as some of the old boroughs did, from a green mound or a stone wall. Prove such a case, and then disfranchise; or, prove a case where corruption exists, and then disfranchise; but, if you cannot do so—if you cannot show that there is corruption, or simple nomination — then, I say—adopting the splendid argument of the Secretary for the Colonies, backed as it was by the able reasoning of the right hon. Member for South Wilts—if you wish to elevate and to keep elevated the character of this House, you must do so by having a variety of Members representing a variety of interests, and by still looking to your small boroughs as well as to your large towns for men of moderation, of thought, of cultivated minds, for men who will not make a mere trade of politics, for men who will readily devote themselves to the public business of the country, for men to whom this House may look, as it often has done in past times, for advice and assistance when Governments fail and Oppositions are at fault. Such men you have hitherto obtained from the varied constituencies — some large, some small—which you now possess; and therefore, I repeat, I cordially approve the measure of the Government in this respect, believing that it is founded upon sound principles. Ministers deserve the thanks of the country for not having given way to a mere theoretical cry, by means of which they might have obtained little more popularity, but the consequences of which would have been most injurious to the character of the House of Commons. Now, Sir, I approach what I fear is a far more difficult part of the subject, and one on which I shall have to speak partly with pleasure and partly with pain. The greatest practical inconvenience which we have to dread is that of not giving to those persons, who may be entitled to have a vote, the power and the means of acquiring the franchise. Upon this point I do not know that I differ materially from the general sentiment of the hon. Member for Dovor; but I cannot find from him, or from any one else, a specific description of what hon. Gentlemen on the other side want. What I want is to confer the franchise, wherever a man is independent enough to exercise it. If the gradual improvement of your laws and their cautious adaptation to the wants of society be—as I believe them to be—the highest object of political institutions; and if it be your duty—as I believe it is—to make the franchise co-extensive with fitness to exercise it, never was there a time better suited than the present, (and therefore I am unwilling to postpone this question on that account as well as on others,)—never was there a time I say better suited than the present, when there is a complete lull throughout the country, for determining exactly in what direction your franchise shall go, and what are the limits within which it shall be circumscribed. My right hon. Friend the Chancellor of the Exchequer, on introducing the Bill, laid down an aphorism to which I cordially assent, when he stated that there are two classes of Reformers whose views ought to be pretty narrowly examined with reference to this subject. One—I think the hon. Member for Dovor belongs to it—would wish to extend the franchise so as to realize as much as possible the opinion and decision of a numerical majority; the other—to which the Government belong—would endeavour to adapt the principles of the measure of 1832 to the England of 1859, according to the genius and spirit of the constitution. How, then, are we to arrive at a just conclusion as to the extent to which the franchise ought to be granted, and what are the principles by means of which we may secure that those shall have it, and those only, who can exercise it wisely? I suppose we must exclude, in the first place, all idea of personal representation. Nobody can now contend for that. Unless you do away with all the restrictions which are rightly imposed on sex, on age, on poverty, and on crime, personal representation is a thing impossible. What do you say to actual representation? That you cannot have, because, unless you adopt the scheme which was propounded in 1854, but which, I think, was not well received either in this House or the country, and give Members to minorities, it is clear that a great part of the population—the whole of the electors in fact whose candidates are rejected—can never have representatives of their own at all. Manhood suffrage, if I am not mistaken, even the hon. Member for Birmingham gives up. The hon. Gentleman never actually said so, but he recently made a speech of great power at Rochdale, in which he showed, and I think conclusively, that you cannot have manhood suffrage; and that you cannot have, strictly speaking, household suffrage if you desire that your electors should be always independent. The hon. Gentleman also showed, conclusively in my opinion, that in regard to those living in small tenements, some by scores, some by hundreds, and some by thousands, they were so little independent of those around them that they could hardly be said to have a free will of their own. If that be so, to whom should you extend the suffrage? The right hon. Gentleman the Member for Ashton (Mr. Milner Gibson) said to-night that he believed, quoting the words of Mr. Fox, that the best plan of representation was that which brought into activity the greatest number of electors who were independent. The right hon. Gentleman forgot to add the termination of that sentence, which I think I recollect. It runs something to this effect:—that the most objectionable representation would be that which would exclude those electors who have not a free and determinate choice. That is to say, that when a man's condition and position in life are such that he has not a free and determinate choice, then it was Mr. Fox's opinion that he ought not to have the franchise. My right hon. Friends on the Treasury bench have endeavoured to meet this question by a scheme which in some respects entitles them to the gratitude of the country. They have looked at the question with no narrow eye. By the provision in respect to those who prove their industry and their wish to obtain independence by their savings, economy, and prudence, my right hon. Friends have shown, in that part of their scheme, a great desire to give the franchise to some portion of the working classes. The hon. Member for Dover forgot that part of the case in his argument, when he said, "How are you attempting to give to the classes called working classes—to artisans, for instance—the franchise by allowing a vote to a lodger who pays 8*s*. a week?" My answer is that the savings' bank franchise is the working class franchise; and the hon. Gentleman ought not in fairness to have put the matter on the ground he did, because he must have known the object of giving the franchise to lodgers was to give it to a different class of persons from those who are called the working classes. The intention of that provision is to give the franchise to the better kind of artisans, to persons who very often are highly educated but have small capitals—to sculptors, to painters, to people following a professional career, many of whom have passed through the Universities, but have no houses of their own. To such as these, who would not have the franchise otherwise, the right of voting will be conferred by the clause relating to lodgers; and with that part of the scheme I therefore think you have no right to find fault. In former times the franchise was confined to real estate; but now, when personal property has become as important as real property, and presupposes as much independence, why should not the franchise be given to that, if you can only secure it from being made use of to manufacture votes? Thus far, therefore, I go along with the Government to a great extent; but now I fear I must diverge from them, and that in a manner that renders it totally impossible for me to give my consent to the Bill, unless I can obtain from them some declaration which will give this House a guarantee and assurance that all questions which involve the main principle of the Bill will be fairly opened in Committee, and such modifications as the House desires considered and accepted. This part of the subject has been to a certain extent alluded to by the noble Lord the Member for the City of London in his Amendment, and in his speech introducing the Amendment; but the whole of it has not been alluded to, and I crave the indulgence of the House, while I point out what seems to me to be a strange inadvertence in the measure as proposed. With respect to the old franchises which this Bill proposes to extend, there is literally not one which is not altered, and, I believe, not one which is not altered for the worst. If I am informed rightly — for I was not present at the moment — these alterations were not adverted to by my right hon. Friend the Chancellor of the Exchequer when he introduced the Bill. I believe it to be an inadvertence, because I am sure my right hon. Friend would have mentioned the alterations if his attention had been called to them. The old franchises in the counties are these:—Freehold of 40*s*. yearly value, leasehold for a period of years, freehold for life, copyhold of £10 value, and an occupation value £50 a year. In boroughs the franchise is an occupation value of £10 provided there is a house or building as part of the qualification. Now the Bill deals with all these franchises. The 40*s*. freeholds I leave in the hands of the noble Lord the Member for the City of London, who has adverted to that part of the subject. It is, as you know, greatly altered. The leaseholds for years, the copyholds for lives, the freeholds for lives, as settled by the Reform Act, all had this security attached to them to prevent them from being mere fagot votes, namely, that the value mentioned in the Act must be a value over and above all rents and charges. In the present Bill the word "rents" is entirely left out. In other words, the owners of the copyholds and freeholds for lives and leaseholds for years need not have one shilling's worth of value in them, and yet be enabled to vote. The occupation value in counties is reduced from £50 to £10, that is to say, to the same level as the occupation franchise for boroughs. The occupation franchise for boroughs was carefully connected in the Reform Act with houses and buildings, but these words are now omitted. I cannot conceive why in the present Bill the words "houses and buildings" are left out—[An hon. MEMBER: To create fagot votes] — except for this reason: I imagine that the draughtsman of the Bill must have attached to the word "tenement" the meaning conveyed by the various terms used in the Reform Act. The word "tenement" no doubt, in its ordinary signification, means a building, and I think that the draughtsman was led away by thinking that the insertion of the word "tenement" necessarily required that part of the qualification should be a building. The word "or" has however crept in so that the words used in the present Bill are not "lands and tenements," but "lands or tenements" and consequently land without any building would confer the franchise. Moreover these words, taken as they stand, would introduce, a new kind of suffrage, because the word "tenement" covers a great many other things besides houses and buildings, which it was the object of the Reform Act to make part of the qualification in order to secure a resident constituency. You will find this material when you consider the question of identity of franchise, and I now come to that point. The only persons who have defended the identity of the franchise in this House are the noble Lord the Secretary for India and the Solicitor General. I need not say that if there are two men in the House more capable than others of putting this new principle in the most advantageous light and carrying the House along with them, they are my noble Friend, with his close reasoning and his careful mode of treating all these great questions, and my hon. and learned Friend the Solicitor General, whose knowledge of law, acuteness, and abilities are almost unrivalled. I assume, therefore, that my two Friends have said all that can be said in favour of this identity of franchise. What, then, have they put it on? Merely on this and this only. They say that there may be a street half in a borough and half in a county; and there can be no reason—and abstractedly that is true—why a £10 house on one side of the street should have a vote, and a £10 house on the other side should have none, and they argue that since one has a vote and the other has not it must give rise to a feeling of dissatisfaction in the persons deprived of it. That, in a few words, is the sum total of the argument of my noble Friend. I shall first of all take leave to doubt whether that is the cause of any dissatisfaction in the country with reference to the absence of or exclusion from the franchise. I do not believe, as far as I am able to gather information, that any great discontent arises from that cause, because the people have by habit and custom been taught that the county franchise is different from the borough franchise, and that no harm is done to any one by reason of that difference. But I ask my noble Friend who has used this ingenious argument—and I appeal to him more earnestly than I should to almost any Member of this House, because I am sure that he has a career of usefulness and distinction before him which will leave its impress on the history of his country,—I ask him to consider whether the sharp, hard, broad line of demarcation between the general freedom which you give one class of the community by this measure, and the condemnatory sentence of absolute nullity and incapacity which you pass on the other, will not breed a discontent twenty times greater than that to which my noble Friend has referred. You may depend upon it that it is this hard line being drawn between two persons in the same borough and the same county, living contiguously to each other, with no prescriptive rights to justify the distinction, which constitutes the foulest and blackest blot in any proposition for identity of suffrage. There is only one way to get over it, and that is by making suffrage universal. But are my noble Friend and my learned Friend prepared for this? Are they prepared to say, that in order to remove the discontent which then will really exist they must make the franchise universal and thus hand over the representation of the country to the poorest and most ignorant classes of the community. I am sure they are not; and this alone convinces me that identity of franchise is a great mistake. The discontent which will be occasioned is not the only reason against this plan. The second reason has been assigned by the noble Lord the Member for the City of London; and, give me leave to say, it has been unanswered. The reason is that it will enable you to manufacture votes,—nay, more, if you preserve the franchise as drawn in this Bill, to manufacture them in such a manner and to such an extent as to put it in the power of wealthy and political associations to override the feeling of the constituencies. If you grant 40*s.* freeholds in boroughs, with no house occupation — all in lands or tenements—they will have nothing to do but to calculate how much money will make a certain number of votes; how many votes they have already, and, adding the new votes to these, no borough in the kingdom will be safe. The right hon. Baronet the Member for Halifax (Sir C. Wood) gave us, certainly, a rather amusing history of what is taking place in the borough which he represents. It turns out that there are parties there who raise a shed, add a little land, make the occupation £10 a year, and thus create several votes. If in that way votes are created in the borough of Halifax, there will be the same means for creating as many votes as they please in the counties, and does any one mean to tell me that will not be altering the constitution of the country, which has hitherto said "the representation in the counties is based mainly on property and tenure, and the representation in boroughs on occupation and residence?" It is clear that the manufacture of votes must go on, and consequently the alteration of the law in this respect must be highly disadvantageous. Those are not the only objections. A stronger remains—and perhaps it is stronger than any other—namely, that you will alter in the main the very character and nature of the county and borough franchise. The fact is plain. All your new franchises and all your old franchises, as proposed by this Bill, will only require a twelve months' residence. Now can anybody tell me that a number of occupiers with fluctuating conditions, changing to one place one year and another place another year, will give the permanent character to the constituencies of counties which those constituencies now possess? Will any one tell me that there is not in this respect a broad and a wise distinction between the constituencies of counties and the constituencies of boroughs? Is not the nature of the population in the one more permanent than in the other? Is not the one more connected with trade, the other with land? And ought not, therefore, these different constituencies still to rest on that distinction which mainly constitutes the essential difference between an urban and a rural population? Sir, I cannot help thinking that by getting rid of what you call anomalies and irregularities, while you may obtain a building constructed of more even proportions, and possibly also more pleasing to the eye, you will get rid at the same time of that variety and diversity which hitherto has constituted both the charm and strength of our representative form of Government. It is by means of this diversity that were secured those varied interests, varied talents, and varied views which bring together the different classes of hon. Members whom I see around me. We obtain the busy industry of towns; we obtain the more stationary, but not less valuable, character of the county constituency. There is a passage in the writings of Edmund Burke which seems to me not inapplicable to this part of the question. I think, if I recollect the passage, he says,—"No system of representation will be a good system unless you impart into it ability as well as property." But then, he says,—"At the same time, as ability is a vigorous and active principle, and as property is inert, and timid, and sluggish, it never can be safe from the invasions of ability unless it be out of all proportion predominant in the representation." These, no doubt, are abstract reasons which, until you put your rules in practice and see the results of your alterations and their relative bearings you cannot fully appreciate. But we are not altogether without experience, for when all was levelled, as it was in France, you then did see that the interests of property were forced to give way, and though the time may not be yet, yet the time will come if you once abandon these old distinctions, on which you should set the greatest value, when property will not have that predominant influence which it ought to have in this and in every other country. In addition to these reasons, I have two other objections to identity of franchise, and with the expression of these I will conclude my observations on this part of the subject. They are both objections which I feel very strongly. One of them has already been alluded to in the course of the debate, but the other has not yet been mentioned. The objection which has not yet been mentioned is, that if you do away with the distinction between counties and boroughs, and reduce the occupation franchise down to £10, you are introducing into the constituencies large masses of people who do not contribute to your direct taxation. Remember that when the Reform Act was passed the payment of assessed taxes in the shape of the window tax was a condition of the franchise before it could be claimed even a borough. The £10 occupiers did away with that tax by their pressure on the Government, and the right hon. Gentleman the Member for Halifax put as a substitute a house tax of £20. Now if you bring the franchise down to £10, and keep direct taxation up to £20, the direct influence of those enlarged constituencies will assuredly be employed in instructing their Members, not only to keep, but to put a direct taxation on those who are above them. I am confident that when you come to argue the income tax again you will find that this difficulty will stand in your way, and the finance Ministers in this House will never be able so to distribute the taxation of the country as to make it fall equally on all. The last objection to identity of franchise which I have to urge has been already adverted to—namely, the objection that it will lead to electoral districts. My learned Friend the Solicitor General pooh-poohs this idea, and the right hon. Gentleman the Vice President of the Council argued the question as if it were impossible that such a consequence should flow from a proposition of that kind. But why not? What do you mean by identity of franchise? You ought to mean, if you mean anything, equality of power. The mere fact that the franchise is the same nominal franchise is not identity. One elector out of 300 or 400 is a very different person in point of power from one elector out of 5,000 or 10,000. The one has a potential influence, easily appreciated; whereas the influence of the other is very small, taken as a unit with so many more. But is that the only consequence. If you admit the principle contained in this Bill, by reducing the franchise in counties to a £10 occupation value, and the House chooses hereafter to reduce the borough franchise to a £6 occupation value, I want to know how you can keep up the county franchise at a higher figure? Must you not make both £6? Again, I would ask my Irish and my Scotch friends, if you admit this principle as regards England, how will you prevent its application to Ireland or Scotland? And if you apply it, for example, to Ireland, how will you prevent a Government from saying that a £12 rating in counties and an £8 rating in towns shall no longer exist, but both must rest on a £10 occupation value? I believe that no answer can be given to this; but of this I am sure, that the argument of my right hon. Friend the Secretary for the Colonies will not be satisfactory. He told you that democracy was like the grave, that it absorbed everything, and gave back nothing. But, if in deference to the democratic principle, you make this experiment, do you think you can ever retrace your steps, supposing it fails? My right hon. Friend pointed to France. He gave us a picture which the House will not soon forget, of all the misfortunes that befell that country, and he intended us to draw the inference that those misfortunes arose from the fact that the working classes were admitted to the representation. But is that so? The hon. Member for Dovor has adverted to this subject. He has told you, and told you truly, that the qualification in France was 300 francs, or £12 a year, while in England it is to be a £10 occupation value. In both there was one uniform standard. Now, if the consequences of that qualification in France were such as my right hon. Friend depicts, I will only say God forbid that my right hon. Friend or any of his children should ever have to paint such a picture of England by introducing here a uniform standard, similar in its identity, though lower in amount than that which was introduced then. For all these reasons I am strongly, decidedly, and unhesitatingly opposed to identity of franchise. But then it may be said, "What will you do with the franchises? Will you leave them as they are?" I answer again, that I would endeavour to admit as many voters as would exercise the franchise with independence. I would endeavour to keep up the old distinction between counties and boroughs. And I would, further, endeavour to do this by finding any resting-places on which I could permanently settle. Now I believe there are two such resting-places, and only two. If you were to reduce the £50 occupation in counties down to £20, you would reduce it to an amount where direct taxation commences in the shape of a house tax, and so taxation and representation would go together. There would be, also, perhaps, an additional advantage, in that land of resting-place, although it might be a small one, that this is the qualification provided by the Legislature as a qualification for jurors. I believe that you might find another resting-place in boroughs by going to a £6 rating, which would be equivalent to an £8 value, because that is the point where the landlord by law is permitted to compound for the tenant's rates at a lower rate than that which is paid by others. There is the line therefore where dependence ends and independence begins. I have now briefly stated the two resting-places that might be found, and though it lowers the franchise in boroughs to that amount, I will only entreat my right hon. Friends on the Treasury bench not to answer this by mere declamation about giving the franchise to that democratic power which is unentitled to the suffrage. I ask them whether a difference between an £8 and a £10 occupation value, giving as it would satisfaction to thousands in these representative towns, can be deemed a dangerous concession by means of which those thousands could impare the constitution. They all contribute to the local taxation of their respective towns: and thus again representation and taxation to a certain extent would go together. For these reasons, I shall find it difficult to vote for the second reading of this Bill, if I hear that the identity of the suffrage is essential in the opinion of the Government to the adoption of it. My right hon. Friend the Secretary of State for the Colonies said that all the questions which he enumerated, and they were six, were questions for Committee, but he carefully avoided expressing an opinion on identity of suffrage, which is that point with reference to which we require information. My hon. and learned Friend the Solicitor General was still more liberal as to what the House might do in Committee, but on that one point he is still silent. I understand that my right hon. Friend the Chancellor of the Exchequer has made an announcement to-night which I did not hear, but which would seem to imply that all these questions are to be left open for consideration. If that declaration has been made in this House, I should be too happy to support the Government to the utmost of my power in passing the Bill with such Amendments as I have indicated. They have nothing to do but to repeat such a declaration, and then they will have an opportunity of settling this question satisfactorily and thoroughly. If not, then I must say I cannot blame the noble Lord for moving an Amendment, not to the second reading of the Bill, (for after that Amendment the Bill may be read a second time) but for moving such an Amendment as would constitute a declaration made by the House, that this question of the identity of the franchise is not to be considered as vital to the measure. I know it is said that the noble Lord has taken an irregular course. That the noble Lord has taken an unusual course, I admit; but irregular it certainly is not. There are many cases in which it has been done before, and it is quite legitimate to do so again, when all parties are anxious to pass a Reform Bill, and only desire to come to an understanding as to the particular form that it ought ultimately to assume. I know it is said that if you adopt the Amendment of the noble Lord the Government may resign — that Parliament may be dissolved—that the Bill may be thrown out. Sir, I should regret as much as any person if any one of these consequences should be found to follow. I do not believe that they would; nay, more, I believe that both this House and the country will expect that none of these consequences should ensue. As for resignation, I think that my right hon. Friends upon the Treasury bench achieved their position honourably. They have filled it ably, and I trust they will long continue to hold it with advantage to the country and with credit to themselves. So much for the resignation of the Government. As for the dissolution, bold indeed will be that man who would recommend a dissolution in the present complicated state of European affairs, particularly at a moment when my noble Friend the Earl of Malmesbury, by his prudence, by his firmness, and by his sagacity, has placed this country in the position of being the mediator and arbiter of peace. That position is the one which this country ought still to occupy. But the strength of it depends, mainly depends, I have no hesitation in saying, upon my noble Friend's still receiving, as he has received, all the weight and authority of Parliament to back and support him. The other alternative is, that this Bill shall be withdrawn. Well, Sir, as I have said before, it will be a dangerous experiment to throw this question again afloat, to take this or that course as chance or mischief may direct. Depend upon it, you ought to settle this question now. Depend upon it that you ought to settle, and what is more that you can settle it upon the principles of justice and wisdom, and according to the genius and spirit of the constitution. You can settle it by adhering to prescriptive rights and usages, by maintaining the distinction between the borough and county constituencies, by upholding the interests of property as well as the power and influence of numbers, and by thus giving to the varied interests of this great community that variety of representation which it is so advisable to maintain. You can settle it, I am quite confident, if you only act in the manner fully, fairly—I had almost said—finally. You who sit upon the Treasury bench have everything in your power. Let me impress upon you that great will be your triumph and noble your success if you accomplish the settlement which I so strongly urge, but tremendous will be your responsibility if you throw away the opportunity which the voice of Parliament and the wishes of the country have placed in your hands.

MR. BRIGHT: Sir, in the observations I am anxious to address to the House I shall endeavour to confine myself strictly to the question. I shall not attempt any answer to some of these, perhaps well intended but rather evil and malicious assaults that have been made upon me during the course of this debate. I shall not attempt any explanation in answer to what was said by the hon. and learned Solicitor General on Tuesday, when he spoke of an alliance between the noble Lord the Member for the City of London and myself. That which is purely imaginary is not, I think it will be admitted, easy to explain; and the House, I believe, will give me credit when I say, that if I am found acting with the noble Lord it is because I believe the course that he is taking is advantageous to the country; and I hope that if I have hereafter occasion to differ from him they will give me credit also, and will presume that I differ from him only because my convictions induce me to take a course different from that of the noble Lord. There are two questions before us—the Bill of the Government and the Resolution of the noble Lord; and, in addition to this, the great and comprehensive question of Parliamentary Reform, which has been more or less discussed by every hon. Member who has addressed the House. With regard to the Bill itself there is a singular unanimity of feeling. With the exception of Gentlemen on the Treasury bench, who may be considered in the light of professional witnesses, I believe no hon. Member has spoken who has not expressed a strong repugnance to some of the main points or principles of the Bill. A remarkable speech was delivered by a right hon. Gentleman on this side of the House. He denounced the Bill as much as though he had been the greatest opponent to the hon. Gentlemen opposite, but he was triumphantly cheered during almost the whole of his speech. [An hon. MEMBER: By the other side.] Of course, by the other side. Seeing that he dexterously turned the measure inside out, it was rather extraordinary that his speech was so popular with hon. Gentlemen opposite. Considering some of the observations he made, the right hon. Gentleman certainly suggested a course the most extraordinary. He denounced this Bill, not as treason to the Crown, but as treason to the people, and he proposed to inflict something like that barbarous punishment which I believe our law yet gives power to inflict on those who are guilty of that kind of crime; and yet, after having resolved, if the House would go with it, to take out the heart of the measure, or even to disembowel it, he then contented himself with the Motion that the right hon. Gentlemen on the Treasury bench would accept and insist on carrying the Bill. He appeared to forget that the Government had parted with two of their eminent colleagues on the very points that he was discussing. He seemed to forget that if the Chancellor of the Exchequer adopted the proposition he made he laid himself open to this unfortunate suspicion, that if he would not consent to it at the suggestion of two of his late distinguished colleagues he would consent to it rather than have the vote of this House against the Government with the consequences that are likely to follow. That is the difficulty in which the right hon. Gentleman is placed, and I certainly am astonished that a man so acute as the right hon. Gentleman, after having spoken in glowing language, in elegant language, rarely heard in the House, of the priceless honour of our public men, that he could suggest that the Government should take such a course. I will not follow the right hon. Gentleman into the details of the Bill, but shall confine myself to the two principles which, after all, are at this stage of the Bill only before us, and brought before us specifically in consequence of the Resolution proposed as an Amendment by the noble Lord. And I would ask the House —because I think there is some disposition to evade the question—what is it that the people, not here, but elsewhere, from whom hon. Gentlemen are likely to hear a good deal before it is settled—what is it that they understand by the measure of Parliamentary Reform? Not the mean shuffle—not the hustling up or the huddling up of this question—not that it should be a mere matter to talk about, or leave no impression on the Legislature in time to come—but they understand that it should mean two things—first, the extension of the franchise to a considerable class not now enfranchised; and, at the same time, that it should give to the country larger, and freer, and more independent constituencies. Now, I want to ask how this Bill meets these demands, because, if it does not meet these requirements it is no Reform Bill, and the Government have no right to propose it in answer to the demands of the people, and the House of Commons will fail in their duty if they give any countenance to this measure and pass it into a law. In the counties, at this moment, and I speak of the counties first, there are at present, confining myself to England and Wales, to which alone this Bill refers, 500,000 electors, or, speaking in round numbers, 400,000 are freeholders and 100,000 are occupying tenants of above the value of £50. Now, is there any doubt on this point, that if any Member of the House were to put his finger on the description of elector in the county who is most independent he would say the freeholder, or, if upon that which is least independent, he would say, of necessity, the £50 occupier. Without saying anything against tenant farmers or the owners of farms themselves, this, I think, is a description which the House will admit is fair. Well, then, the proposition of this Bill now is first of all to get rid from the county of one-fourth, or 25 per cent. of the whole, or, 100,000 freeholders of the independent class. I am not now speaking of disfranchising them, but of getting rid of them in the counties and putting them into another class of electors. But every one will see at a glance that if 100,000 of the most independent class of electors be taken from the county list, the less independent class must necessarily be made more powerful. This Bill proposes another thing which, to my mind, is of a most insidious character. It proposes to alter the boundaries of boroughs in a very remarkable fashion. Its promoters seem to imagine that it is necessary for some object of theirs to include within the boundaries of boroughs every particular individual of whom by any pretence they can lay hold, and to separate him from the county, if they have a suspicion that he is infected with the prevalent opinions of the towns. By this means they would, of course, diminish still more, after the passing of this Bill, whatever there may be left of the independent element in the county constituencies. But, now observe the cunning—[*Cries of* "No, no!"] Will right hon. Gentlemen forgive me the expression? Perhaps it was a mistake, like the disfranchisement of the 50,000 men. Observe the mistake, then, in this proposition, which is to be referred to our intelligent and impartial friend, Mr. Darby, the head of the Inclosure Commission. ["No, no!"] I understood that Mr. Darby, the head of the Inclosure Commission, was to appoint a Commission for this object. ["No!"] Well, then, the question is to be referred to him or to somebody else. I will admit, if you like, that the Commission would be as good a referee as I or any one else could wish it to be; my argument will still be the same. The Commission is not directed to examine all boroughs. It is merely intended, as I understand it, to shut up all the suburbs of your cities and towns, and all immediately contiguous villages within that sort of ring-fence, the borough boundary. But this Commission is not charged to go into another description of boundaries, and to shut up the country parishes within the boundaries of the counties. Surely, if it is a fair thing to go to any large town and say that all its streets and villages should be shut up within the borough, and none of these ten-pounders that have been franchised under this Bill shall have votes for the county, it would be a fair thing to go to those agricultural boroughs which have been spoken of during this debate, and say, "Now, my good fellows, we are going to make a clear, distinct, and perpetual enmity between you and the boroughs—between town and county—everybody near a town is to be shut into a town, and you must be shut out of the borough and into a county." That would be obviously fair if there be fairness in the proposition of the Government. But I will tell the House what would be the result of it in one or two cases. There are at this moment in the kingdom within the limits of boroughs farms, the rentals of which exceed £2,500,000 a year. These are called boroughs. We will take the borough represented by the First Lord of the Admiralty (Sir John Pakington). He will speak during this debate, and can, therefore, correct me if I am wrong. In the borough of Droitwich there is an assessment of the income tax under schedule A on land and buildings to the amount of £56,000 a year. Of that £56,000, £39,000 is an assessment of land and farms. There are four town parishes, and twelve rural parishes. The town parishes contain 160 electors; the rural parishes 232 electors. In point of fact, therefore, the right hon. Gentleman does not represent a town at all. No, the large majority of his constituents are farmers and persons as much connected with rural affairs as if they were in the centre of any county in the kingdom, or miles away from any great town or city. Now, I say, therefore, if this line is to be drawn, it must be drawn in all cases. Again, take the borough of Petersfield, which is also represented by an hon. Baronet on the Treasury bench. The case of Petersfield is still more glaring than that of Droitwich. In that town there are £31,000 assessed on land and buildings in the borough, but of that £24,000, or more than four-fifths, is in respect of lands and buildings in agricultural parishes. I am not complaining of these parishes being added to these towns, but I say that the Government has no right to propose, and I am sure Parliament will not consent to pass, a Bill and appoint a Commission, the only object of which will be to shut as many as possible into the borough in the one case, not to interfere in the other, and thus to diminish that which hon. Gentlemen have spoken of as so important, the great variety of suffrage and interest which it is desirable every Member in this House should represent. I do not understand the noble Lord the Secretary for India. He said with regard to that measure of disfranchisement so much complained of, that it was a mistake, and he was very sorry that that clause which his right hon. Colleague has since laid upon the table of this House was not introduced into the Bill. The Secretary for the Colonies, when he was charged with the faulty character of that clause which extends the £10 franchise in the counties, made rather a staggering admission, namely, that that was also in the nature of a mistake, and that, if wrong, we could go into that in Committee. But I feel that all these mistakes—everything that has been done in this way—has one direction, and one only. The Chancellor of the Exchequer has told us of the painful anxiety with which this Bill was brought forth by the Government. But I cannot understand how, during all that anxious deliberation which he has described, they should not discover that they were going to disfranchise 50,000 of the best electors in the kingdom. Now, what is the grand object of the Bill? It is evidently to make the representation of the counties, if possible, more exclusively territorial than it is at present. Now, I ask the House for one moment to consider whether this is a desirable object to attempt. If you ask Lord Lyndhurst, who has long been a leading statesman acting with hon. Gentlemen opposite; if you question the Earl of Aberdeen—Sir Robert Peel is not here and you cannot interrogate him—but if you inquired of the right hon. Member for Carlisle, aye, and if you demanded of the Chancellor of the Exchequer, for he could add his impressive testimony, what has been the chief difficulty encountered by the Cabinet sitting opposite, what would be their unanimous reply? Has not that difficulty been for many many years (longer than I have been a politician) that they were supported by 150 or more hon. Gentlemen, representatives of counties, who were elected very much in the way that the Earl of Derby has described, and to which my right hon. Friend sitting near me has alluded, and that, being supported by that party, they have found it utterly impossible, without doing that which was very unpleasant to their supporters, or without ruining themselves, which was equally unpleasant, to propose or carry any kind of measure that was made necessary by the opinion and the demands of the country? Let hon. Gentlemen opposite believe me when I say that I am not individually finding fault with them in this matter. I think it is a great misfortune to them, as it is both to this House and the country. But I again ask, from 1842 to 1846, what was the difficulty which the Government of Sir Robert Peel constantly found in its way? I dare say the right hon. Member for Carlisle (Sir James Graham) could give us a graphic, most interesting, and instructive picture of those four years. What became of that Government in 1846? There was a disruption which has caused years of anarchy in this House. But let us go back only to the experience of the Chancellor of the Exchequer. In 1852 he lost his place. His Government was broken up by a majority of nineteen votes only, after a general election; when he was, therefore, on the very verge of that fixity of tenure for which gentlemen in office generally hope. Why did that Government break up? Because it was necessary, to satisfy the demands and expectations of that same party sitting behind them, to propose a measure with regard to the malt tax, for which on the whole the country certainly made no demand, and to which this House was not willing to consent. I was then very sorry for the Earl of Derby. I never, except once, gave a vote which I regretted more to have to record than on that occasion; but it was impossible to agree with the Government, and they could not alter their proposition, because they had 150 gentlemen behind them who, representing one special interest, thought it necessary that this measure should be proposed. Now when we are discussing this measure of Reform, the right hon. Gentleman is in the same position. Does any man in this House believe that this is the sort of Bill which the Chancellor of the Exchequer thinks would be the best Bill for the country? Does any one suppose that a man of his intelligence—a man who understood this question when he was twenty-five years younger as well as any one of us understand it now—does any one suppose that he believes—I will not say the "deplorable rubbish"—but I will say the grievous and fatal mistakes which are to be found in the clauses of this Bill are beneficial to the country? No; this transference of the county voters to the boroughs; this taking in all the suburbs; this refusal to grant an extension of the franchise to the boroughs—not one of these things comes from his own heart and his own convictions. He knows I am telling him nothing that is new to him. He knows that this Bill in its present shape is a Bill framed to satisfy the prejudices, scruples, convictions, and fears of the 150 county gentlemen who sit behind him. I should think it was a great misfortune to have by my side 150 gentlemen who represented either iron works, ships, or cotton and woollen factories from Lancashire and Yorkshire only. I believe it is essential almost to a good Member of this House, so far as external circumstances are concerned, that he should have among his constituents a variety of what I presume the Chancellor of the Exchequer would call interests—persons of various classes, with various occupations and various opinions. I think they keep him better to his duty. They modify his opinions. They make him a more valuable Member of the House than he is likely to be if he represents, as an hon. Gentleman opposite told you, a special interest, banded together as they always are for the advance of that interest in a manner not known to any other interest in the country. On that ground, therefore, I greatly object to the course pursued by the Government with respect to this measure in endeavouring to make the counties more exclusively territorial. They injure our representation; they put a clog, which Governments, on that side of the House, at least, are not able to overcome, on anything like that enlightened and advanced legislation which I believe not only the country requires, but which it will most certainly have. Having shown you how they have done their best to damage the county constituencies I must say one word on those charming portions of our constitution which I believe the noble Lord is rather fond of, and of which the right hon. Member for the University of Cambridge (Mr. Walpole) has spoken in such affectionate terms—namely, the small boroughs. They are the jewels in our representative system. Putting the case in the fewest number of words you would say that they take in men who cannot get in anywhere else. In one a boy was put in at nineteen, and this is considered a great argument for perpetuating the system—he grew up to be a celebrated man. Does any one suppose that the borough of Midhurst was responsible for that? The argument of the right hon. Gentleman is akin to his late colleague's argument on the subject of Arundel, and I believe it will be received with the same derision. I am sorry to say that, but I speak with allowance for the fact that he was himself introduced to Parliament through the borough of Midhurst. These boroughs may be said to be in some degree a refuge for the political destitute; and all that I have heard in their favour has been simply this, that the persons who found shelter in them are what are called deserving objects. The election of Harwich has been alluded to. It took place not long since, and I recollect the statement that was made at the time. It was said that Mr. Bagshaw had discharged a drunken gardener. There were two free-traders who had carried out their principles further than the law sanctioned, and were imprisoned for smuggling. The respected priest of the parish, who had not been out of his room for two years was brought down by the aid of cordials, stimulants, and a sedan chair to the poll. These three accidents—which might not occur again for ten thousand years—effected the return in the borough of Harwich, and no doubt the state of parties in this House. I recollect another borough, that of Carlow, in Ireland. There are 200 electors in that borough, and at the election there were two troops of Dragoons, two companies of infantry, and 150 police, all of whom were engaged in keeping the peace in a town with 200 electors. Notwithstanding the picture I have drawn of these small boroughs, do not understand me to say that there are not some remains of freedom and virtuous election in some of them; but the right hon. Gentleman, not content with corrupting, maltreating, and defacing the county representation, lays sacrilegious hands on those very boroughs of which everybody, except myself, has been speaking in such high terms. There has been an election at Banbury. The borough of Banbury is not one which I propose to disfranchise; it is one of singular independence of action in political affairs. I believe that the hon. Gentleman who did not succeed at that election, but who is now Member for Midhurst, will bear me out in what I say. Now, just imagine what the proposition of the right hon. Gentleman the Chancellor of the Exchequer will lead to in the case of Banbury. Imagine, if you can, the people of that borough making speeches, canvassing, explaining their political views, and resolving upon the proper fulfilment of their political duties. Well, all this is taking place, but at the critical moment you may see a man—for aught I know he may be the concoctor of this Bill, for it appears to me to be not so much the Bill of a Statesman as of some party electioneering agent —you may see, I repeat, a man of this description, emerging after dark from the Carlton Club, proceeding to a pillar letter-box which stands quite near it upon the opposite side of the street, and dropping into it—unless, indeed, he should find it necessary to go as far as Charing Cross for the purpose of registering them—some ten or twenty letters about nine or ten o'clock in the evening, while the unfortunate people of Banbury are labouring under the delusion that they are carrying on a great constitutional contest. Unhappy men, they little know that the restless locomotive engine has been set to work; that it is bringing down through county after county; and that they will awake the next morning only to find out that, through the instrumentality of a leathern bag, which has just been deposited at the post-office, somebody is returned as their representative who has not the slightest sympathy with their interests. But this is no new thing. If any hon. Gentleman will turn to the Municipal Corporation Commissioners Report of 1854, he will find the Report of Mr. Austin as to Carmarthen, in Wales, that the electors consisted of freeholders of the value of £4 and occupiers of £10. He will find it stated that when this inquiry was made there were 546 burgesses in Carmarthen, of whom there were resident within the borough 178; outside the borough, but still within the county of Carmarthen, 257; in the county of Pembroke, 108; in the county of Glamorgan, 31; in the county of Cardigan, 25; in Brecon, 12; and outside the limits of South Wales, 35. The resident electors were 178, and the non-electors 468. Mr. Austin then gives the list of voters at a contest which took place for the election of a sheriff, when 131 votes were recorded in favour of the corporation candidates, against them, 51; thus giving a majority in their favour of 80, of which majority, 75 were non-resident electors. The Commissioner then goes on to say,

> "In effect, therefore, the constant majority is a majority of non-residents who—with rare exceptions, are supporters of the corporation party."

Now, let me ask if this system prevailed in the case of a £4, is it not likely to do so in the case of a £2 freehold? It must also be observed that in the former instance the votes could not be recorded by letter. The voter had to appear in person at the place of election; but if this system of voting papers be adopted in addition to non-residence I know no limit whatever to the amount of corruption which it may occasion. You cannot, therefore, in my opinion, too strongly express your sense of the entire extinction of freedom which it is calculated to produce in all the small boroughs of a county. Now, there is also another point which a large portion of our fellow countrymen regard as of the utmost importance, and to which I may be permitted briefly to refer. I allude to the borough franchise. I have endeavoured to show that the effect of the Bill, as it now stands, will be to render counties more exclusive, and to hand over the small boroughs to rottenness and complete dependence; for the only independence they could possess must rest upon the opinions and the wishes of non-resident electors. Now, I am not going to discuss this question at all different from that which has hitherto marked the tone of this debate; but I would ask the House whence comes it that we are here to-night discussing the question of reform at all? There are plenty of other things for us to do. Why, then, is this question thrust upon us by Minister after Minister? Some persons say that the noble Lord the Member for London is entirely in fault. Hon. Gentlemen may say whatever they like, but such an assertion as that goes but a very little way indeed. The noble Lord has no particular desire, any more than I have, to disturb this great question. Its settlement, however, has become a necessity, and will continue to be a necessity to the existence of every Government until it is set at rest in a manner that will be satisfactory to the country. [*Cheers.*] Do hon. Gentlemen by their cheers mean to show us that they do not want Reform? The Government have not touched this question simply in obedience to the commands of their followers, although they have brought in this Bill in accordance with their prejudices and fears. The farmers do not ask you for Reform, although there are, no doubt, some respects in which they desire it. The farm labourer does not press it upon your attention. No, the demand for Reform comes from all your towns and cities; nor is the cry heard from the mouths of the unenfranchised alone; but, in point of fact, from the great majority of the electors themselves. It is not an uncommon thing to hear it asserted—as several hon. Members have asserted in this House—that the electors of this country do not care for Reform; that the middle classes possess the power and do not want to lose it. ["Hear, hear!" *from the Ministerial side of the House!*] Those hon. Gentlemen who cry ["Hear, hear,"] do not know quite so much as I do about the sentiments of people residing in towns. When the electoral power was in the hands of a few corrupt corporations the case may have been otherwise, for they turned their electoral privileges into a means of annual profit, and did not like to share them with their fellow-townsmen. But I never heard it made a charge against the electors in boroughs, at the present day, that they were anxious to retain the franchise for fear of admitting others of their fellow-countrymen to be sharers, or rivals, or participators with them in the advantages which it comprises. Now the Government, it seems, do not think it necessary to make any change in the borough franchise. We all know that the line which was drawn in 1832 was drawn in direct and almost absolute exclusion of all that class of persons who live by wages. Has it been a source of satisfaction to them? Have there not, upon the contrary, been constant protests against it? Have we not seen and heard—when there was great depression in trade and a great scarcity of food, which now happily is not the case—more constant protests aggravated into something like incipient insurrection? That such has been the case is not to be denied. Well, and what is it that you now do? Twenty-seven years after the passing of the great Reform Bill, and after a whole generation has passed away, you propose to continue, it may be for twenty-seven years longer, that exclusion against which the great body of the unenfranchised population of the country have been lifting up their voices ever since 1832. Now, what is it that Her Majesty's Ministers say to us in introducing this measure? What will this House in effect say, if it passes it into a law in its present shape? You proclaim, in a voice which will reach the furthest corner of the land, that will enter not only into the ear but into the heart of the inhabitants of every home of the class of which I am speaking in England—that we have something or another in our Legislature which they cannot comprehend and must not intermeddle with. You will in effect say to them, "We do not trust you, you are as ignorant, as dangerous, as little to be relied upon now as you were twenty-seven years ago." And what will be the result? They will come to the conclusion that upon the same principle upon which you now act you will act for the next twenty-seven years, using precisely the same arguments and pursuing the same course. And now let me pause for one moment to ask what sort of a generation that has been which is just passing, or has passed away? My answer is, such a one as was never known before. You have had under its auspices a longer period of peace than you ever previously enjoyed. The humbler classes have had a larger proportion of the comforts and necessaries of life than at a preceding period. They have improved at a rate of which your grandfathers scarcely dared to dream. You have a free press, such as has not been in existence since the days of Queen Anne—though there may be something still to be done, in order that it may become completely unfettered—a subject to which the right hon. Gentleman the Chancellor of the Exchequer will be good enough to turn his attention when he gets out of the little difficulty in which he is now placed. You have not only the ordinary number of public journals, but you have 300 newspapers published at the price of 1*d.*, circulating all over the country. Well, all this has been accomplished, yet you propose to exclude the members of that class to whom you are indebted for much of your prosperity—with the exception of the trifling numbers whom the Chancellor of the Exchequer, in his small mercy, proposes to admit under the savings' bank clause to the exercise of the franchise. I saw a statement the other day, to the effect that the operation of such a clause applied to Scotland would be to give Edinburgh about 300, and all Scotland not more than 900 additional voters. The borough electors are 50,000, and this extraordinary extension of the franchise will admit 2½ per cent increase, and that is all the small dole which the Chancellor of the Exchequer and his friends offer to the great body of the working classes of this country. Scotland is a frugal country; its people are industrious and saving to a degree which is hardly comprehended here, and yet this boon will only enfranchise some 1,200 persons there. I am prepared to assert that this is not a Bill of Reform at all. It is, in point of fact, that which, in electioneering phrase, is considered a complete case of personation. It is not the genius of liberty that comes before us in the shape of a Bill, but it is something which the people of this country had hoped they had seen and heard of for the last time in our history. I think if it were to pass it would be held by the whole population of the country to be nothing better than a complete delusion, disappointing every class, and tending to create discontent, which this House would have great difficulty hereafter in allaying. Now, there is one point which has been dwelt upon by the right hon. Gentleman opposite and others, in which I do not feel the same extraordinary interest which some Members appear to feel, and that is as to the uniformity of franchise. I do not say that it is necessary, I do not say that there is any advantage in it, but I do not see the great disadvantages which have been ascribed to it. It has been represented to me as a very democratic proceeding. I am not myself very democratic, therefore I can assure the House the scheme has not on that account any charms for me. I think it would have been just as well not to have had this uniformity; but I do not see any harm there is in it. There is only one reason why we should complain of it, and that is that it would not be so easy to give a move to the whole franchise hereafter as if the county franchise were different from that of the boroughs. But I can assure hon. Members that if they tie the two together, there is no power in this House to keep the borough franchise at £10, and unless they give up the idea of uniformity the county franchise must come down with the boroughs. However, that is a matter for hon. Gentlemen opposite to consider, and no doubt it has been considered by Her Majesty's Government. But if I have no alarm about that, there is one thing that I have some alarm about, and that is the manner in which some Members of the House seem disposed to treat this question. I refer particularly to my right hon. Friend near me (Mr. Horsman), the right hon. Gentleman the Member for Wilts (Mr. Sidney Herbert), and the right hon. Gentleman the Member for Coventry (Mr. Ellice), who has not spoken in this debate, but who wrote a letter to his constituents upon the subject. The right hon. Gentleman is an extraordinary instance of what I may call hallucination. He represents the greatest number of working men to be found in any constituency—out of a population of 40,000 there are 6,000 electors, which is a far larger number than I thought of proposing to the House. My right hon. Friend says there is no constituency that he knows which equals his in independence, in intelligence, in virtue. Well, Sir, I can't admit all that. I know something of Coventry—my father was born there, but I never heard, nor ever observed that the people of that town were upon the whole very superior. I believe they are in no degree inferior to the same classes in other manufacturing towns. My right hon. Friend says he is in favour of household suffrage, but as the people of this country are not ready for that he will do nothing,—he will have household suffrage or nothing; which, after all, is very much like what was called the Charter. I am alarmed that the right hon. Gentleman, like the hon. Members for Wilts and Devonport, should, in the face of a hundred meetings held spontaneously within the last month, delude himself with the idea that nobody, beyond the 650 gentlemen in this House, cares anything about this question, and that we may comfortably get rid of it in some way here, by digging a hole in the floor of the House and burying it, as nobody cares about it. That proposition has been submitted to the House by various hon. Members. The right hon. Gentleman the Member for Cambridge University (Mr. Walpole) has the same notion. He thinks it must be settled this Session—that it can be—that it is necessary it should be settled. Why? For this reason—that you know that the form in which you propose to settle it will not be satisfactory to the people. You know well—I think the right hon. Gentleman has confessed it, as some have—that during the autumn you may have meetings—during the winter you may have agitation. Well, what would this country have been without meetings, without agitation? We boast that we have abolished our ancient and barbarous mode of making extensive revolutions and changes in our political system; but if you have done with war and bloodshed for these purposes, do not imagine that those changes which become necessary from time to time can be carried out and accomplished without the healthy operation in some cases perhaps approaching to a rude but still a refreshing and strengthening agitation. Some hon. Gentlemen opposite seem to wish to forget some things had happened fifteen years ago. Then their organization was complete. They had farmers' meetings everywhere. And, not content with farmers' meetings, they had an office in Old Bond Street and a publication committee, and they had every description of instrument for an irritating and exasperating agitation which they could possibly devise. I do not imagine for a moment that this question can be settled in the present temper of the House satisfactorily to the people. Are you quite sure that there is nothing in what is going on out of doors? I met a right hon. Gentleman the other day near the House, and he said to me as a great secret, "You know, of course, that nobody does care about reform?" Well, he did not get me to agree with him upon that point. I happen to have been to some of the largest populations of the country, and I have seen meetings exceeding in number and exceeding in influence, I believe, almost every meeting that was held by the Anti-Corn Law League during the agitation of the repeal of the Corn Laws. The populations you are about to disappoint and defy, what have they done? They have conquered everything they have grappled with hitherto. I do not speak of distant realms conquered under your banners, but of arts and manufactures and all that tends to wealth and civilization. Do you think that this population will not also conquer a much larger share of their political rights than you are determined to allot to them. There was a speech made from the bench opposite by the hon. Member for Dorset (Mr. Sturt). I agree with the right hon. Gentleman who spoke last; it is matter of regret that he does not speak more frequently. But I allude to that speech for the sake of referring to one expression in it, where the hon. Gentleman said, I am not afraid of the people of this country, and he gave a just, and powerful, and eloquent rebuke to an hon. Member who unthinkingly cheered in an ironical manner the observation he made. I tell the House frankly that they do not well understand the bulk of the population of this country, particularly in the manufacturing towns. I have seen some great mistakes made on this point. In 1848 the right hon. Gentleman the Member for Morpeth (Sir George Grey), who was then Home Secretary, was thrown into a panic on the 10th of April, or rather some days before, for before the day came, the thing came to be laughed at. What did the right hon. Gentleman do? I do not speak of his fortifying the Bank, but I am told he was in dreadful terror about the British Museum. I have been told that he garrisoned the British Museum not with Minie rifles or Armstrong guns, but with 100, or, if I have not been misinformed, with 200 tons of paving stones and boulders, which were placed on the roof of the British Museum. And not only was it garrisoned, but, as was quite proper, the commissariat was attended to also. The Museum was provisioned for three days; and besides that, care was taken to cut the steps away that led to the rooms where the most precious medals are kept, and as there did not happen to be an assault upon the British Museum the garrison consumed the three days' provisions before sundown. But to come to a still later period. Take the Great Exhibition of 1851. There was then alive a man who will ever stand prominent in the history of this country—the Duke of Wellington—and he was terrified—he who had never felt alarm in his life before, was alarmed at his own countrymen; and he insisted on drawing a large body of troops nearer to London to be ready in case of an emergency. Why, if half a dozen foreigners had attempted to get up an insurrection they would have been quietly put into the reservoirs in Trafalgar Square in the course of five minutes by the people themselves; and yet it was thought necessary that 20,000 troops, if I mistake not, should be drawn round London to be ready in case of a disturbance. I well recollect that the noble Lord the Member for Tiverton (Viscount Palmerston) gave an account of what a foreigner said to him of the deportment of the masses of the people on that occasion. The noble Lord knows well the character of the people, and he told the foreigner that all this order was the result of some sense on the part of the people that they had a Government which, on the whole, did not intend to oppress them, that the people were good tempered in themselves, they were intelligent and orderly, and that a policeman was an authority of high dignity among them, whom they at once obeyed. These words do much credit to the noble Lord's good taste, and they are perfectly true as regards the people of this country. Why, I ask, do not hon. Gentlemen opposite agree with the hon. Member for Dorsetshire, and not fear the people? Why is it that you have a dread of the people which the corresponding class in the manufacturing districts —the employers and the owners of property—never entertain? Hon. Gentlemen know that I have lately attended a meeting at Bradford. At that meeting two men moved resolutions, namely, Mr. Titus Salt, of Bradford, and Mr. John Crossley, the brother of the hon. Member for Halifax, than whom I believe there are not in the kingdom two manufacturers more eminent and more prosperous, or who enjoy more of the confidence of the people among whom they live. These two Gentlemen cordially agreed in every proposal which I brought forward for an extension of the suffrage. I come next to Rochdale, the town in which I live. A meeting was held there, and it was attended by gentlemen almost equally eminent, and almost equally large employers; and they took precisely the same course. Then let us pass to Bury, to Blackburn, or to Bolton. At that latter place there was a remarkable meeting, and I had a conversation with four gentlemen there on the subject of the policy which I was disposed to pursue. One of these gentlemen said he thought the suffrage which I was disposed to propose was not sufficiently extensive. Now, these four gentlemen employed probably 6,000 or 7,000 persons; and I will undertake to say that amongst them they own property to the value of not less than £1,000,000 sterling. I ask the hon. Gentlemen opposite, then, why it is that these men have not the same fears with regard to the population that you have? Surely they must know what they are about. They must know that if any danger should come to the country it would touch them first? Your landed estates are more permanent than our manufactures; and any convulsion in the country, any violent action of the democracy, would of course be infinitely more perilous to us than it could possibly be to you. And yet all those persons in Yorkshire and Lancashire, and I believe a large portion of the employers of labour in those counties are in favour of a very large extension of the suffrage, and believe that it would conduce to their own advantage and the safety of their own property if such a concession were made by the House. Without votes, we know that the working classes who think about this question feel that they are distrusted, that they are aliens, that they are marked as inferiors, that they are, as the right hon. Gentleman the Chancellor of the Exchequer said, in some sort pariahs. In that position, if opportunity offers, it is not to be wondered at if great discontent, and sometimes even turbulence, should arise; but if you give votes to these men, you will find that they have much self-respect, and much elevation of mind, and that there will be a great and wide strengthening of their virtue. If the House will permit me I should like to read an extract from a letter which has been addressed to me by a working man, who is employed, I believe, as a stonemason, relative to the question whether a working man can be trusted with the franchise. He writes me a letter, of which this is an extract; and I am sure the House will think that it contains words that are deserving of remark. He says:—

> "But some say that we, as working men, have no stake and no interest in the country. I hardly know what is meant by these assertions; but if to make sacrifices for the good of our country be any proof of an interest, I believe the working classes can clearly show greater sacrifices, and fairly claim to have greater stake and interest both in the country and in good government. I had three uncles who all lost their lives fighting for their country; I had three brothers, two of whom served under Lord Wellington throughout the Peninsular campaign; and my third and youngest brother lost his life in the Indian war, and now lies buried at Kurnaul. I had two nephews, one of whom died of the cholera at

Varna, and the other, after serving throughout the Crimean war, was raised from the ranks, and is now a lieutenant. No doubt but very many working men could tell of even greater sacrifices and similar tales of their families, except the last. To these statements I would only add, that if the working classes have no stake and no interest in their country, they must be wonderful lovers of their country for nothing."

There is one other point to which I will refer, and that is a point which was raised by the hon. and learned Gentleman the Solicitor General towards the conclusion of his speech. He referred to the state of Europe, and entreated the House, under present circumstances, to beware what they were doing with regard to this question. Now, I have arrived at an entirely different conclusion from the hon. and learned Gentleman upon that point. In the year 1830 the state of Europe was one of a very remarkable character. The state of France was then extremely unsettled, and it exercised a great influence upon the course taken during the next two years by this House and by the country upon the question of Reform. In the year 1848 the state of Europe was again unsatisfactory. I call upon Members of this House to bear witness whether they did not at that time hear from people of every part congratulations of the most decided character upon the fact that two years before the Corn Laws had been abolished, and that one great subject of discontent had been removed from the minds of the people. Let me assure the House then that resistance is not always Conservative. What right have you to assume to be more Conservative in intention than I am? I have a business which is more liable to injury from any disturbance of the public peace than your property. I have a numerous family who depend upon me, and all whose worldly hopes, unless they should become exiles, are bound up with the fortunes of this country. I profess to be in intention as Conservative as you are. I believe that in reality I am infinitely more Conservative, if you will cast your eyes twenty or thirty years forward. Was not free trade Conservative? and yet you resisted it to the last. Why, we recollect a time when the right hon. Gentleman the Chancellor of the Exchequer used to come down to this House — I am not a scholar, or else I should give him a Latin quotation to describe his case—when he used to come down to this House, and tell us with dishevelled hair, of the cruelties that were practised on what he called the ruined and

betrayed agriculturists. I recollect that he said upon one occasion that he would rest the whole question on the condition of the operatives two or three years after the repeal of the Corn Laws. Well, everybody knows that since that period the condition of the operatives has been constantly improving, and improving at a rate which certainly has not been witnessed since the time of the great French war. Is economy in finance a Conservative principle? Is peace Conservative? I have devoted in this House and out of it whatever energies and whatever capacity I possess for the purpose of advancing those objects. I have endeavoured to stand by the rules of political economy, and in politics by the higher rules of a real and true morality. And now, in advocating a measure of Reform more extensive than many hon. Members of this House would be prepared to grant, I appear, as I feel persuaded, in the same Conservative character. I believe that a real and substantial measure of Reform, which the people of this country would accept as such—I am not speaking now of any particular proposal which I may have made, but which is not at present before the House—I believe in my conscience that such a measure would elevate and strengthen the character of your population. I believe that, in the language of that beautiful prayer which is read here every day, it would tend to "knit together the hearts of all persons and estates within this realm." I believe that it would add authority to the decisions of Parliament; and I feel satisfied that it would confer a lustre, which time itself could never dim, on the benignant reign in which we have the happiness to live.

Debate *further adjourned* till *To-morrow.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, March 25, 1859.

MINUTES]. PUBLIC BILLS.—1ª Railway Tickets Transfer.

Royal Assent.—Consolidated Fund (£1,222,383 8s. 9*d.*); Consolidated Fund (£11,000,000); Mutiny; Marine Mutiny; Burial Places; Anniversary Days Observance; Inclosure; County Courts.

THE IONIAN ISLANDS—SIR JOHN YOUNG.

EXPLANATION.

Earl ST. GERMANS said, he wished to ask the noble Earl at the head of Her Majesty's Government a question with reference to an observation made by him on the occasion of Lord Grey's withdrawing his Motion for the production of the Correspondence relating to the Ionian Islands. The noble Earl opposite, in acknowledging the courtesy of Lord Grey in withdrawing his Motion, said that the effect of producing that correspondence would be to cast considerable censure upon some persons who would not be in a position to defend themselves. Some of the friends of Sir John Young understood that that remark had reference to him. He (Earl St. Germans) believed that it did not refer to him; but it would be satisfactory to the friends of Sir John Young if the noble Earl opposite would give an assurance that that was so. On the part of Sir John Young, an old Friend and former Colleague of his, he ventured to say that, though acquiescing in the decision of Her Majesty's responsible advisers, he would on no account press for the production of papers which, in their opinion, could not be produced without detriment to the public service; but, so far as he himself was concerned, he earnestly desired that every letter and every despatch relating to his administration of the affairs of the Ionian Islands should be published, in order that that and the other House of Parliament and the public might have an opportunity of passing a judgment on every official act of his during his Commissionership of the Ionian Islands.

The Earl of DERBY said, he was glad to be able to give a satisfactory answer to the question put by the noble Earl. The noble Earl had not quite accurately cited the words used by him on the occasion in question. He believed that he did not use the word "censure," but simply said that Her Majesty's Government could not produce the papers referred to without occasioning a discussion of many topics which were not then under the consideration of Parliament, which discussion would be detrimental to the public service. He could assure the noble Earl that he did not make the slightest reference to Sir John Young.

THE WESTMINSTER CLOCK.

QUESTION.

Lord CAMPBELL said, he wished to put a question to the noble Earl at the head of Her Majesty's Government with respect to the state of the clock in the tower. That clock was expected to have been long before this of great service to the public, and especially to the gentlemen attending Westminster Hall, but it was not yet at work, although it had been placed in the tower for some time. He was in hopes that on returning from circuit he should have found it at work. The clock had four dials, and he observed on passing the tower that day that the fingers on each dial pointed to different figures. He understood that during his absence on circuit the clock had been at work for half an hour, and he wished to know when it would be permanently at work?

The Earl of DERBY said, that immediately after the noble and learned Lord asked a question on this subject on a previous occasion he communicated with his noble Friend at the head of the Board of Works; in consequence of which communication his noble Friend wrote to Sir Charles Barry, who informed him, in reply, that the chamber would be ready for the reception of the clock in the course of a week or ten day, but that Mr. Denison still required some work to be done in the tower. Since that he had not received any further communication on the subject.

DESERTED CHILDREN IN IRELAND.

PETITION. QUESTION.

The Marquess of CLANRICARDE, pursuant to notice, *presented* a Petition from the Guardians of the Tuam Poor Law Union praying that deserted children may be registered as belonging to the religion of the majority of inhabitants of the Union charged with their support; and moved, that there be laid before this House, copy of the letter lately addressed by the Poor Law Commissioners of Ireland to the Clerk of the Tuam Union upon the subject of deserted children in Ireland. The noble Marquess also asked, whether Her Majesty's Government have given their attention to this matter, and have in contemplation any Amendment of the Law concerning it?

The Earl of DONOUGHMORE said, that the proposition that deserted children should be registered as of the religion to which the majority of the inhabitants should belong would be inoperative in the case of those Unions where there was any equal admixture of Churchmen, Presbyterians, and Roman Catholics. It had been proposed that the religious education of the children should be decided by the vote of the Guardians. That, he thought, was objectionable; for a battle would be fought in the board every time such a case came before it for decision, the effect of which would be to cause disunion among the members of the board. There was no statute law on this subject; but he believed the common law was that when the religion of the parents of the child was unknown the child should be brought up in the religion of the State. But in fact the subject had been maturely and carefully considered by the Government, and it was the intention of the noble Lord the Secretary for Ireland to introduce into a Bill for the Amendment of the Poor Law in Ireland, which was now in the other House, a clause which would be satisfactory to all parties; but as the clause was not yet settled he did not feel at liberty to state its provisions. He begged to add that in the same Bill it was intended to provide some means to check the enormous mortality among those children. It had been ascertained that five out of every six of these children died before the age of five years; and this frightful mortality was plainly attributable to the guardians not having the proper means in the workhouses at their disposal for the support of very young children when brought to them.

THE EARL OF **LEITRIM** said, the operation of the existing law had been beneficial, inasmuch as Roman Catholic parents, finding that their children, if deserted, would be brought up in the Protestant faith, came forward and maintained them.

THE EARL OF **BANDON** had never heard of any difficulty as to the registry of children in the Union in Ireland with which he was best acquainted. A Judge who was second to none in Ireland had declared that boards of guardians had a right to bring up these children in the religion of the State. It was said that Judge Keogh had given a contrary opinion; but the case in answer to which his opinion had been given had not yet been published. It would, he thought, be found that Judge Keogh's was a limited answer, since it was confined to cases where it was known that these children had been baptized in the Roman Catholic faith. He trusted that no change would be made in what had been the law of the land for centuries, and that the apple of discord would not be thrown among the boards of guardians. The policy of the Poor Law Commissioners, and of all who had been interested in carrying out the poor law in Ireland, had been to avoid these religious discussions, and he trusted that a policy would not now be inaugurated which would set parish against parish and neighbour against neighbour.

Petition ordered to lie on the table; return ordered.

INDIAN FINANCE.

MOTION FOR AN ADDRESS.

THE EARL OF **ELLENBOROUGH** rose, pursuant to Notice, to call the attention of the House to the State of the Money Market in India as affected by recent Notifications: and said,—My Lords, the recent accounts received from India give so serious a view of financial embarrassment and failure that I think it right to call your Lordships' attention to the facts. On the 22nd of January the Four per Cents were at 85, and the Five per Cents at 92½; on the 2nd of February the Four per Cents had fallen to 76, and the Five per Cents to 87, being a fall of 9 per cent in the Four per Cents, and 5½ in the Five per Cents. My Lords, that the Funds should fall at that moment was the last thing that might have been expected from the political aspect of affairs. Lord Clyde had been successful in Oude; all armed rebellion had been apparently put down; Tantia Topee, the Begum, and their companions, had either sought refuge in Nepaul, or had disappeared in the deserts, and we had had great successes in Central India; everything indicated that a general pacification of the country was at hand; and it is in that state of affairs that the Funds usually experience a rise. It is impossible, therefore, to attribute the great fall which has taken place to any other circumstance than the financial aspect of affairs. This is not a question confined merely to the state of the funded debt of India. I understand that the Bank of Bombay has been in difficulties which rendered it unable to afford the usual convenience of discount to the commercial classes, and commercial houses have thus been compelled to resort to the shroffs, and to give as much as 13 and 14 per cent for the use of money. Not only so, but it is said, and I am afraid with truth, that the Government of India are in such pecuniary difficulties that they have been unable to pay salaries in full and have actually been compelled to pay only what is called subsistence money to the officers of the civil service. I hope this report is not true to the extent stated; but great apprehension exists on the subject in the public mind. Now, my Lords, undoubtedly this great rebellion must have been attended from the first with considerable pecuniary difficulty. It was found at an early period that the Government would be under the necessity of making alterations in the terms on which they were willing to receive subscriptions to the 5 per cent loan. They were compelled to permit the holders of the 4 per cent loan to pay their subscriptions, one-half in cash, and the other half in the loan at par, thus creating practically a 6 per cent loan. Until they did so very few subscriptions came in, and it was impossible to go on. Your Lordships may perhaps bear in mind that in 1852 or 1853 a great financial operation was performed by the Government of Lord Dalhousie. Those who submitted to the reduction of interest then carried into effect, from 5 to 4 per cent, were under the impression that in the then state of India the Government would not be compelled at any early period to resort to a 5 per cent loan. But, unfortunately, at the end of sixteen or eighteen months the Government resorted to a 5 per cent loan; and the consequence was a great reduction in the price of the Four per Cents, and a great degree of discontent pervaded the whole country, and there has ever since been a want of confidence. That being the case, I feel satisfied, from all I have heard, that unless the Government had then determined to permit the holders of 4 per cent stock to subscribe at par to the new 5 per cent loan, it would have been perfectly impossible for the Government to go on. But that permission having been given, no difficulty was felt, and in the course of last year no less than £6,000,000 were subscribed to the 5 per cent loan in cash, and a similar amount in 4 per cent stock. Bullion, to the extent of a million, was sent from England, and bills also to a small amount were drawn on India from this country. But with that exception, by that loan practically of 6 per cent, and by admitting the holders of 4 per cent stock to subscribe, the Government have been able to get through their difficulties. In July last the Government of India addressed a letter to the Court of Directors, stating the amount they required for the ensuing year, and suggesting four modes by which it could be raised. They said:—

> "To us the choice appears to be confined to one of the following expedients:—First, for this Government to draw bills on your Hon. Court for any amount that may be required. 2nd.—For your Hon. Court to remit bullion to the extent of one and a-half or two crores to Calcutta and Bombay, in the proportion of half to each place. 3rd.—To open a 6 per cent loan for cash payments guaranteed for fifteen years, without closing the 5 per cent loan or interfering with the conditions under which 3½, 4, and 4½ per cent securities are received in part subscription to that loan, whereby the Government is virtually paying 6 per cent for the money it borrows. 4th.—To issue Treasury notes at Bombay, Madras, and Calcutta for not less than 500 rupees each, carrying interest at 6 per cent per annum, payable at the option of the holders or of the Government after the expiration of two years, and on condition that the said notes will be receivable as cash into the open loan of the day at par, and in liquidation of all demands of Government at the general treasuries of the three Presidencies, as well as in payments on account of salt, opium, and Customs."

The Secretary of State for India in Council, after considering these alternatives, was induced to adopt the fourth proposition. I must confess I think that was a very unfortunate Resolution. I have seen no reason why he should not have told the Government of India to stand fast where they were—to let well alone—to go on receiving at the rate of £5,000,000 or £6,000,000 a year, which was as much as might have been expected from the resources of India—and to proceed on the principle of never disturbing the money market, and never proposing a novelty to monied men, except for some great, and palpable, and useful object. Now, it seems to me that the issue of Treasury notes, or what we should call Exchequer bills in this country, is totally inapplicable to India. In this country we have a large amount of floating capital at all times seeking for temporary investment; but even here the Government are anxious lest at any time the amount of Exchequer bills should become inconveniently large. It is different in India, where there can hardly be said to be any capital whatever in search of temporary investment. If this measure had been successful to the full extent by means of Treasury notes it would have resulted in the greatest injury to affairs in India. It would have been an injury, because there are different sorts of banks in that country. In the chartered banks money is placed at call, and at all times the money deposited with them may be withdrawn. Now, if you offer inducements to withdraw that money, the result will be that the banks will be unable to afford the usual mercantile accommodation unless they sell stock, and thereby derange the money market. But the injury will be still greater with regard to banks which are not chartered. There the money is held for considerable periods, at notice varying from ten days to a year. The money so deposited is laid out by the banks in advances on indigo and other products; and if the money be withdrawn from those banks the result will be that they will be compelled to withhold their advances, and there will be a commercial panic. I should, therefore, deprecate the success of a speculation on the part of the Government, based on the issue of a very large amount of Treasury notes, or what we should call Exchequer bills. I observe that gentlemen who write for the public press in India generally desired that the Government should have recourse to a loan with biddings, as practised in this country; but I apprehend that the state of things in India is not suited to an operation of that kind. In this country capital is in large masses, and the parties in the possession of it can act in concert, and thus there are great facilities for raising a loan in the manner adopted here; but it is different in India, for there, whatever capital there is, is dispersed over the whole country in comparatively small sums and in the hands of a great number of persons, who have no means of concert whatever such as exist in England. I think it would be almost impossible to procure the co-operation of these small capitalists for the purpose of raising a loan, and the result would be, that the loan would fall altogether into the unmerciful hands of the Natives. Again, in this country, when a loan is thrown upon the public market, there is a direct or implied pledge on the part of the Government that they will not resort to the market for another loan, except under extraordinary circumstances, within any short period of time. It is next to impossible to give such a pledge in India, where difficulties exist such as take it out of the power of the Government to look forward at any time and say what amount of money will be required. India, in fact, is always at war or on the verge of a war; and, under such circumstances, it is impossible to calculate with precision what amount of money will be wanted for the public service. The revenue, too, in India is, as regards one very important branch, that of opium, of a very uncertain amount. This being the state of things, on the 26th of January the Government published a notification that, after the 30th of April, the Four per Cent and other stocks, on terms equivalent to par, would no longer be received in subscription to the loan then open, but that Treasury bills would be issued at an interest of about 5¾ per cent. There was an error, as I have endeavoured to show, in attempting to raise a large sum of money by Treasury bills in a country which was not suited to a financial operation of that kind; and there was this further error, that it necessarily depreciates the Four per Cent Stock. On the 22nd of February a further alteration was made. It was then declared that after the 1st of May Treasury bills should be issued, not at 5¾ but at 4¾ per cent; that is, the Government having failed altogether in inducing persons to afford them the use of their money at 5¾, asked them to do the same thing at 4¾ per cent. They seem to have thought a Treasury note had a special value like that of a Sibylline book. Another loan was proposed at 5½ per cent, and to that loan the 5 per cent stock might be subscribed; but not a word was said about the 4 per cent stock, in which the great mass of the money is invested, and it is therefore no wonder that the Indian Government have found it difficult to raise money on loan. It is obvious, in the position in which the Government of India are now placed, that there is no reasonable expectation that they can extricate themselves from these difficulties without the interference of the Government at home; and what we have to consider is whether it is open to us to do anything to relieve the Government of India. What it occurs to me that the Government ought to do is, instead of taking power to raise money in this country to the amount of £7,000,000, they should take that power to the extent of £12,000,000. I think that is the course which will have to be adopted, and I hope to hear a confirmation of my views from Her Majesty's Government. It seems to me contrary to all reason that when we are told by political economists to purchase all things in the cheapest market and to sell in the dearest, the Government of India should be compelled to obtain money, without which it is impossible to carry on the service of the country, in the dearest market instead of the cheapest. The noble Earl concluded by moving an humble Address be presented to Her Majesty for

"Copies of all the notifications issued by the Governor General of India in Council, from the commencement of the year 1857 to the present time, relative to the terms on which the Government of India would receive money on loan; and to call the attention of the House to the state of the Money Market in India as affected by the more recent of such Notifications."

THE EARL OF DERBY: My Lords, it is difficult to overrate the importance of the question which my noble Friend has brought under the consideration of your Lordships. I only wish that in replying to his observations I had the means of following him with the same clearness and distinctness which he brought to bear upon a matter, with which I confess I am not very familiar. Therefore if I fail in being as explicit as is desirable, I must claim your Lordships' indulgence. My wish on the part of the Government is to conceal nothing from Parliament in respect to the affairs of India; and it is therefore without hesitation, though with regret, I say that the financial accounts, and the financial condition of that country are not as favourable as they were when the Secretary of State for India, acting upon the advices he had then received, brought forward his proposition for raising a loan of £7,000,000 in this country. My noble Friend has very correctly stated the proceedings which have taken place, beginning with Lord Dalhousie's reduction of the 5 per cent open loan, and following them through the subsequent stages, including the raising of money by means of allowing the reduced stock to be paid in at par, together with an equal amount of cash, for the purpose of meeting what is called a 5 per cent loan, but which, as my noble Friend has truly said, is practically a 6 per cent loan. In this state of things it was thought desirable by the Government of India to give notice that after the 30th of April that operation should be discontinued; that the open loan of 5 per cent should be closed, and that there should be an issue of Treasury paper bearing interest at something like 5¾ per cent. I am not prepared to say whether it was altogether judicious or not to give notice of the issue of these 5¾ per cent notes, at the same time that it was announced that after the 30th of April, the nominal loan of 5, but real loan of 6 per cent should be closed; but I have no doubt that the Government of India made their calculation, that the intimation that after the 30th April the 4 per paper would not be received and would augment the quantity of that paper which with an equal amount in cash would be offered to the Government before that date. I confess that this is a question on which I should speak with great deference for the opinion of my noble Friend, especially when his views on the matter are opposed to mine. I allude now more particularly to what he has truly spoken of as being the immemorial policy in India—that of keeping open loans. There may be circumstances in the state of India of so peculiar a character as to render that policy necessary; but as a general practice I cannot imagine anything more objectionable than keeping open loans of an undefined amount. The result of Government finding itself in funds, and taking the step adopted by Lord Dalhousie—namely, that of paying off the subscribers to the 5 per cent loan, and then issuing a loan at 4 per cent, is naturally to create a considerable amount of discontent among the lenders of the first loan. When a change of circumstances has taken place, and when it becomes apparent that the Government is in distress and difficulty, and it is not known what amount will be required, lenders always hang back to see whether Government will not advance their terms. The greater the difficulty in which the Government is placed for money the greater the reluctance of lenders to come forward, because they were always expecting that a greater amount will be required and higher terms offered. I cannot but think that the principle which my noble Friend considers so advantageous in this country is equally applicable to India, and that the Government in announcing their intention to raise a loan should intimate plainly and distinctly the amount which will be required, and that as in this country there should be an understanding that when a certain sum is asked for it is not intended to ask for another loan within a short space of time. I see in the last notification to which my noble Friend referred which we have received by telegraph from Bombay, without any explanation of the circumstances connected with it, there is an announcement that in the course of the next year after the 30th of April a new loan of £5,000,000, and no more, would be raised at 5½ per cent in India. [The Earl of ELLENBOROUGH: "A further sum by Treasury notes."] I shall have occasion upon another evening to advert to that subject, when it will be my duty to lay before your Lordships a statement of the present condition of Indian finance, together with the reasons which induced the Government to believe at the time they made a proposition to raise a loan of £7,000,000 on Indian security, that that amount would be sufficient, and the circumstances which have induced them within the last few days to entertain a different opinion. Some time after the Secretary of State for India introduced the Bill for raising that loan, intelligence reached us from India which obliged us to alter our opinion on that point; and I do not hesitate to state to your Lordships, that whether we do so by Amendment in the present Bill, or by the introduction of another, it will be necessary for the Government to apply to Parliament during the present Session to raise an additional sum of money in England on Indian security. I have here, my Lords, the Estimates on which the Secretary of State for India based his calculation, the £7,000,000 would suffice. It was laid upon the table on the 18th of February. It appears from that Return that £5,377,000, or, in round numbers, £5,500,000, would be the whole deficiency up to the 30th of April, 1860. Moreover, that deficiency would include an increase on the estimated cash balance for the present year. That balance, as calculated for the 30th of April for the present year, is £789,060; and it is proposed to increase it to £1,000,000 for the 30th of April, 1860. After this, the deficiency was estimated at £5,500,000. Under these circumstances it was that the Government had come to the conclusion that they would have a sufficient surplus to cover any possible contingency in the way of demand from India. If they asked for a loan of £7,000,000. But shortly afterwards—that is to say, on the 26th of January—a letter was despatched from the Governor General in Council stating the course they had pursued with regard to closing the receipt of 4 per cent notes, in part payment of the subscription to the 5 per cent open loan from the 30th April, and also stating their intention to issue Treasury bills bearing interest at the rate of 5¾ per cent. The despatch goes on to ask for the earliest instructions in respect to the manner of raising money subsequent to the first of May next, when the subscriptions to the open 5 per cent loan may be expected to cease. It states that the choice of measures is confined to these three: first, to open a 6 or 5½ per cent loan, according to the condition of the money market at the time; second, to issue 5 per cent paper at a discount; and thirdly, to supply all deficiencies by the remittance of bullion from England. It further states that the Government in India cannot feel sure of success in financial operations there, if they be not stimulated by the conviction that they are not depending wholly on India for money, and it suggests a remittance of £1,000,000 in bullion — one-half to Calcutta, and one-half to Bombay. That despatch was acknowledged on the 9th of March in a despatch from the Secretary of State for India, in which it is stated that it is quite impossible for the Government to entertain the idea that all the financial demands of India could be supplied by means of bullion from England; but at the same time the Government complied with the request to transmit £1,000,000 to meet immediate wants. A portion of this bullion has already gone, and the other portion will be forwarded by the mail to-morrow. We then proceeded to consider what course should be adopted hereafter; but after that despatch was written, and before it was sent out, we received a second despatch—one dated February 5th—to which I shall briefly call your Lordships' attention. It contains a much more gloomy view of the prospects of Indian finance. According to the despatch, it appears that even allowing for an increase of revenue, as compared with the present year, to the amount of 280 lacs, on which they think they may fairly calculate; there would be for the year ending April, 1860, a deficiency of not less than than 1,144 lacs, or £11,500,000 in round numbers. Deducting from that amount the £1,000,000 which is already exported from England, and we have left a deficiency to provide for of £10,500,000; but that £10,500,000 proceeds on the assumption that it would be necessary before the 30th April, 1860, to raise the immediate balance to £12,000,000. The full amount remained as balance in hand should not be much less than £12,000,000, but at the same time £12,000,000 is a large sum to be retained in hand to meet the emergencies, and the deficiency might be still further reduced, and which I stated at £10,000,000, by lowering the respective balances. Calculating, therefore, that they would be so reduced, you will still have a deficiency of £9,500,000 to account for. The Indian Government have felt it their duty and incumbent upon them not to depend altogether upon loans, but to make an effort to ascertain whether it was not practicable to a certain extent to increase the amount of the local taxation of India, and to raise a certain proportion of the sum required by loans in India; and by the despatch sent on February 5th, and only received the other day, the Governor General of India in Council has announced his intention of raising a certain amount partly by fresh taxation and by a slightly increased taxation of imports, partly by an increase and extension of the system of stamps to the Presidencies to which they have not hitherto been extended, and partly by a species of excise duty on home-grown tobacco. There was also a question as to taxation by means of succession duty; it is stated to be the subject-matter of serious and careful consideration before it can be imposed, and no estimate had been taken for it by the Governor General. The estimate, therefore, that he has taken is, that by taxation, by imports, and by stamps, he would raise £1,000,000, and by an excise duty on tobacco probably £500,000. That amount of £1,500,000 being taken from the £9,500,000 leaves £8,000,000 of deficiency still to be provided for. Now, of the £8,000,000 so to be provided for the Governor General states his intention or his expectation of raising £5,000,000 by means of a loan in India, as shown by the papers just received, and he states that in order further to meet the exigencies of the Indian Government, he hopes that the British Government will be able to remit to him from this country an additional sum of £2,000,000 in the course of the year in bullion, in addition to the £1,000,000 previously applied for under these circumstances. Her Majesty's Government have come to the conclusion — and I think it right to state it now and at once, in order that there may be no concealment from the public, and that the whole case may be before them—that it will be necessary in the course of the present year to ask your sanction to raise a further sum of money beyond the £7,000,000. I will not at the present moment say the precise sum, because in the uncertainty necessarily consequent on some of the items of expenditure, it is difficult to ascertain what will be required; but I may say that the sum that will be required in the course of the present year will certainly not be less than £3,000,000, and possibly may come up to the £5,000,000, of which my noble Friend has spoken. I ought also to observe that in calculating this deficiency on the part of the Indian Government it is exclusive altogether of any claims for prize money, and also of any claim for compensation which may be made for damage or injury done in the course of the mutiny in matters of compensation; but these compensations may, to a certain extent, be met by the appropriation of the territories confiscated and the forfeitures that have taken place. With regard to the question of prize money, it is difficult to calculate what the amount of it may be. On the other hand; it is fair to set against these requirements another item of which no account is taken on the side of the home account; that is to say, deposits received in this country on account of railway expenditure in India, which is calculated, according to the accounts of the current year, at least at £4,500,000, and in the course of the next year it will be very considerably larger. The estimate in calculating the probable deficiency includes the amount which will be expended in railway operations in India; but, on the other hand, there will be a sum, in all probability, of £4,000,000 that will be received on deposit here, and consequently, being transmitted for the purpose, will go so far in diminution of the amount of deficiency in India. In the estimate taken of the home accounts no credit was taken for the £4,000,000. I am not sure that I have succeeded in placing before your Lordships, as clearly as I could desire, the precise amount of the financial embarrassment that appears to threaten India at the present moment. I can only give your Lordships the latest intelligence we have received. With regard to the question of my noble Friend as to whether the Bank of Bombay has been compelled very much to limit its accommodation, and whether the salaries of the Government officers are in any degree kept back or on y partially paid, I can only say, in reply, that we have not any information on that subject from the Indian Government. The only information that we have received is, as I before stated, by telegraph from Bombay, and it conveys only an intimation of the intention of the Government to raise the 5½ per cent loan alluded to, commencing 30th April; but it does not make mention of any additional embarrassments to those of which we have already heard. With regard to the Motion of my noble Friend, I may say that I have not the least difficulty in laying on the table the various notifications. I certainly concur with my noble Friend in thinking that the frequent changes in these notifications, and the frequent alterations affecting the money market in India, have been, and if they are persevered in must continue to be, a very serious inconvenience, and seriously detrimental to Indian finance. But in laying these communications on the table of the House I think I shall best consult the public interest, and best perform the duty that the Government owe to the country, if I accompany them with the very latest information received, and I shall therefore in addition to them lay on the table the despatches referred to from the Indian Government, of 26th January and 5th February, with the answers respectively sent to these despatches from the Indian Board, of the 9th and 16th of the present month. The whole question will then be fully and unreservedly before Parliament and the country; and under these circumstances I trust that, whether we proceed at present with the Bill now before Parliament, and which it is exceedingly desirable should be as quickly passed as possible, or whether we proceed to ask for £7,000,000, and subsequently for the sum within the limits I have mentioned, I trust that no imputation will be cast upon the Government for having in the first instance received information of the insufficiency of the sum, and then being subsequently compelled to come to Parliament again. It would no doubt have been more convenient if we had had the information which is now before us, so as to have asked for £10,000,000, or probably £12,000,000 in the first instance, but not having it, it will probably be more convenient to proceed with the Bill as it at present stands; I believe it is now fixed for a third reading in the other House. Under these circumstances I deem it right to give your Lordships and the country the fullest information that will, in all probability, and I may almost say with certainty, show the necessity for raising the further sum within the limits I have specified.

The Marquess of CLANRICARDE said, that the noble Earl had told them that he would furnish information and copies of the notifications as to the finances of India, but did not give them any information generally as to the means of permanently alleviating the financial embarrassments of India. These financial embarrassments, he thought, were not altogether occasioned by the mutiny, but where in no small degree attributable to previous mal-administration; for if the resources of India had been properly developed the revenue would have been ample to meet any necessities. The system of open loans and borrowing money to meet deficiencies year after year was utterly ruinous. The taxation of India had reached its utmost limit; yet they had virtually confided the administration of the finances of India to the old Directors of the East India Company, who had already so grievously mismanaged them; for there were three of them in the new Council. It was upon England, and that at no distant period, that the ruinous effects of this mismanagement must fall, if some steps were not immediately taken to remedy it.

The Earl of ALBEMARLE had heard with sorrow, but without surprise, of the growing deficiency in the finances of India. The fact was that India required a Reform Bill quite as much as, if not more, than England. He had heard with regret, but not with surprise, that it was intended to resort to a species of taxation, of the worst character. An excise duty upon tobacco had already been attempted in the Presidency of Madras, and although it had a population of 23,000,000, most of whom were habitual smokers, it never yielded more than £50,000 a year, and was consequently abandoned. The Government must first improve the condition of the inhabitants of India before they could hope to increase the returns from taxation of this nature. Where the labourer was paid only 1½*d.* or 2*d.* a day, and the landholder paid 18*s.* out of every 20*s.* of the produce of the soil to the Government, there was but little hope of any large consumption of excisable commodities. The resources of India were immense, but in proportion to their immensity so were they neglected by the Government. In 1842 the late Sir Robert Peel indulged in a prophecy that the time would come when the consequences of such neglect would fall heavily upon England, and he was sadly afraid the prediction was not far off its accomplishment. The present system of raising Indian loans was radically bad: it excluded the Native capitalist from contributing towards the exigencies of the country and thus throw away one great security for the stability of British rule there. In his opinion the entire system should be changed, and India made to raise and support her own loans.

Lord MONTEAGLE said, it was unnecessary for the noble Earl (the Earl of Derby) to defend himself from the suspicion of withholding information at the time the original loan was opened; but it was highly desirable to have every information now. He wished that this discussion had taken place a little earlier, but he had no doubt that the discussion even now would do something towards remedying this state of things. If the story were true that the servants of the Government in India were paid only part of their salaries, he thought that that fact was likely to cause serious peril to us in India. He knew that the noble Earl had stated that he had not received any information upon the subject; but notwithstanding that, he thought that the news bore every mark of authenticity. He believed it would be a great mistake to suppose that if the day ever should come when there was a deficiency in the revenues of India, England could be saved from the responsibility of making up that deficiency from her own resources. Of course, it was undesirable that any pressure should be put on prematurely, but the people of this country should accustom themselves to consider a contingency which might, but he hoped would not, arise; by so doing, they would learn that it was their interest, as it certainly was their duty, to pay some attention to Indian subjects. As to increasing the taxation, to do so effectually they must first increase the wages of labour and the power of production; and as to a tobacco duty, they could only levy that by making tobacco a Government monopoly, by imposing a duty similar to our hop duty, or by managing tobacco as they do opium. It was economy to which they must look for the restoration of the finances of India. If the Government of that country kept up in time of peace military establishments which would be fully justified by a state of war, and by that alone, it would be impossible to keep the finances of India in a state of balance, and to avoid contracting new debts and loans. He trusted that all the papers that could throw light upon the state of Indian finance would be laid upon their Lordships' table before the India Loan Bill came up from the other House.

The Earl of ELLENBOROUGH wished to remind their Lordships that, as the India Bill passed their Lordships' House, it contained a clause which made it lawful for the Crown to send certain Commissioners to India to inquire into the financial accounts, the application of Indian revenue, and the mode of auditing Indian accounts. This clause was omitted from the Bill in the House of Commons; but the circumstances which had since arisen had made him regret more than he did at the time that this clause had not passed. It merited the consideration of the Government whether they should not send a competent person from the Treasury, the Board of Customs, and the Board of Trade to institute a real investigation into the accounts, and to give Parliament clear light upon the finances of India. He had endeavoured, with the assistance of a gentleman who had been Financial Secretary in India, to make them out, and together they had not been able to understand them.

The Earl of DERBY: I am inclined to agree in my noble Friend's suggestion; and it is under the consideration of Her Majesty's Government whether some person should not be sent out to India to make an effectual investigation of the financial affairs of India, and to bring home more experience and knowledge of the subject than is possessed by any authority in England.

Motion *agreed to.*

The Earl of DERBY then *moved*—

"That an humble Address be presented to Her Majesty for Copies of Despatches from the Governor General in Council to the Secretary of State for India of 26th January and 5th February, 1859; and of the Despatches in reply of the Secretary of State for India to the Governor General in Council of 9th March and 16th March, 1859."

Agreed to.

MR. EX-BARON PENNEFATHER.

The Earl of LEITRIM rose, pursuant to notice, to ask the First Lord of the Treasury if it was his intention to recommend to Her Majesty to confer any Honour, Distinction, or Dignity on the right Hon. Richard Pennefather, late Baron of the Exchequer in Ireland, for his long and meritorious Services? The whole of the bar of Ireland, the solicitors of Ireland, and many of the grand juries had borne testimony to the worth, the honesty, and uprightness of this learned Judge. Mr. Baron Pennefather, who had been thirty-eight years on the bench, had won the good opinion of all parties in a country where they were not always unanimous in their feelings with regard to private or public persons. He had not taken any part in politics that could be distasteful to any party; had he been a partisan, indeed, he might at this moment have been in a higher position. He trusted that the noble Earl would seriously consider whether he would not feel himself at liberty to recommend Her Majesty to confer some distinction, honour, or dignity, upon Mr. Baron Pennefather.

The Earl of DERBY: If the object of my noble Friend on the cross benches was to offer, as he has done, a graceful tribute to the merits of Mr. Baron Pennefather, or to elicit similar marks of admiration and respect from those of your Lordships now present, more especially from the noble Lord the late Lord Lieutenant of Ireland (the Earl of Carlisle) and the noble and learned Lord (Lord Campbell), who as the Irish Lord Chancellor, had so long an opportunity of becoming acquainted with the merits of Baron Pennefather, he has, I must say, amply succeeded in his object, and I should be the last to refuse my tribute of respect. Mr. Baron Pennefather is, I believe, the object of universal respect and esteem; and, notwithstanding the painful infirmities with which he was afflicted, and which would have almost totally disqualified any other person of such advanced age from the due discharge of his duties, yet, up to the moment of his retirement from the bench, few, if any, of the learned Judges were able to sum up a case, or give an opinion or a judgment more clearly, more fully, or more distinctly than Baron Pennefather. With regard to his uprightness and integrity, they ought not to be very rare virtues, yet I may say that I never heard the slightest imputation with regard to one or the other, and as to his abilities and character as a Judge, I never heard but one opinion. Having said thus much, I am not aware that—honoured as he was by all on his retirement — either Baron Pennefather, or his friends, or any of his family desire or expect that any signal honour should be conferred upon him on the part of the Crown. I hope my noble Friend will excuse me for saying that the subject is one to be dealt with not by this House, but by the Crown alone, and I must respectfully decline answering the question.

House adjourned at half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 25, 1859.

MINUTES.] PUBLIC BILLS.—3° Municipal Elections.

SALUTING THE "HOST" IN MALTA. QUESTION.

MAJOR STUART KNOX said, he would beg to ask the Secretary of State for the Colonies whether he has any objection to lay on the table of the House a copy of any orders that have been sent to the authorities at Malta relative to the Garrison Orders in force in that fortress; also, what instructions the Government propose to issue in regard to soldiers being called upon to salute the Host, or any religious personage or procession, either in that island or any other part of Her Majesty's Colonial possessions.

SIR EDWARD BULWER LYTTON said, he would answer the second part of the hon. and gallant Member's question first. As he had stated on a former occasion, the circular of Lord Hill did not require that any honours should be paid to the Host at the time of its passing in procession. But he believed there was some old garrison order in the island by which the Host, nevertheless, had been saluted. To put an end to that practice he had sent out instructions to the Governor that he should strictly adhere to the circular of Lord Hill, so that the Host would not in future be saluted in Malta. He had heard no complaint from any other colony. With regard to the former part of his hon. and gallant Friend's question, he had to remind him that the Archbishop of Malta was not only a religious person, but that in the eyes of the Maltese he represented the chivalry of the Knights of Malta, and the glorious history of their island, and therefore it had always been the custom to give him the honours of a military chief—the honours, in fact, that were due to a brigadier general. He had precedence in the island next to the representative of royalty. He believed that it would be dangerous, and that it would create a considerable amount of disaffection in Malta, at all events during the life of the present archbishop, if these honours were dispensed with, especially as the archbishop had always shown a warm attachment to the British Crown, and a readiness to recommend obedience to the laws. At the same time as he thought that Protestants might have good grounds to complain if these honours were paid to him at the moment he was bearing the Host, so that it might appear that the Host itself was saluted. He had given instructions that such honours should only be paid to the archbishop in his civil capacity, and that when he was accompanying the procession of the Host, they should be suspended, and only Lord Hill's circular should then be enforced. He had no objection to lay the papers on this subject upon the table, if the hon. Gentleman liked to move for them.

FEES IN THE TRANSFER OF LAND COURTS (IRELAND).

QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Chief Secretary for Ireland whether it is the intention of the Government to equalize the per centage fees upon the sale of property in the Transfer of Land Courts in Ireland, to the amount payable on value under £10,000?

Lord NAAS said, the question was under the consideration of the Treasury, with a view, if possible, to provide for an equalization of the fees. He could not say that any decision had yet been arrived at. When it was he would communicate it to the House.

DAY OF THANKSGIVING—INDIA.

QUESTION.

Sir HARRY VERNEY said, he would beg to ask Mr. Chancellor of the Exchequer whether Her Majesty has been advised to appoint a day of General Thanksgiving to the Almighty for the restoration of tranquillity in India?

The CHANCELLOR of the EXCHEQUER said, it was the opinion of the Government that it was desirable there should be some public recognition of the great mercies which have been vouchsafed to the country in the suppression of the Indian rebellion, but Her Majesty's pleasure had not as yet been taken as to the particular form in which that recognition should be made.

THE DANUBE—QUESTION.

Mr. DODSON said, he would beg to ask the Under Secretary of State for Foreign Affairs, whether the European Commission, appointed under the 16th Article of the Treaty of Paris, 1856,

> "To designate and cause to be executed the works necessary below Isatcha to clear the mouths of the Danube, as well as the neighbouring parts of the sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation—"

has designated the works which in its opinion are necessary; whether those works, or any others for effecting the same purposes are being carried out; and, if so, who are the persons charged with the direction of such works, and when it is probable they will be completed?

Mr. SEYMOUR FITZGERALD said, the European Commissioners who had been appointed in conformity with the Articles of the Treaty of Paris had collected a great deal of valuable information, and had suggested several plans for the improvement of the Danube. It was agreed by the Five Powers that these plans should be submitted to a Commission of Engineers, which Commission had met in Paris, and they gave in their Report on the 25th of August last. The conclusion at which the Commissioners arrived was that the St. George's mouth of the Danube was much preferable for improvements to the Sulina mouth. The expense of the improvements at that mouth were estimated at £360,000; but if all the improvements which the Commissioners recommended were carried out, he was satisfied that the expense would be not less than £500,000. The works would be undertaken under the superintendence of the European Commission and the expenditure, to be defrayed in the first instance by the Turkish Government, was to be repaid by a duty to be paid by all ships that enter the Danube. The opinion of Major Stokes, our Commissioner at the Danube, was that these works could not be commenced before the year 1860. There were a great many details still to be settled —plans and specifications were to be made out. It would be some time before the contractors could send in their tenders, and besides that there were other causes of delay.

On Question, "That the House at rising adjourn till *Monday* next,"

THE DEBATE ON THE REPRESENTATION BILL.—PERSONAL EXPLANATION.

The SOLICITOR GENERAL: Sir, I rise to move that the House at its rising do adjourn till Monday next; and I do so for the purpose of making a statement, or rather correcting a misstatement, which was made by an hon. Gentleman last night, and which was personal to myself. The hon. Member for Dovor (Mr. Osborne), alluding to some remarks addressed by myself to my constituents, used these words:—

> "How does the hon. Gentleman get out of his hustings pledges at Belfast? I remember well that at his election he told his constituents there were two questions to be considered, one of expediency and one of principle. This very ques-

tion of reform he described as one of expediency, and if every man had a conscience"—[The word I used was crotchet] "if every man had a conscience no Government could go on. Then, turning to the subject of the exclusion of the Jews, that, he said, was a question of principle, which ought never to be abandoned. But he has abandoned it."

Now, Sir, if this concerned myself only, I should not have noticed it; but I hold that an imputation upon the honour of a Member of this House is indirectly an imputation upon the honour of the House itself, for the honour of the House is the aggregate of the honour of its Members. What took place on the occasion to which the hon. Gentleman refers was this. Addressing myself to my constituents for the first time after my accession to office under the Crown, I told them with regard to my future course that I considered that there was an essential distinction between questions of detail or expediency, and questions of principle. I gave illustrations of what appeared to me instances of both kinds, and as to the former I said, as the hon. Gentleman correctly represented, that I thought it was the duty of any person who accepted an office under a Government to merge his opinions in those of that Government: but as to questions of principle, I said, it was otherwise, and as to these I thought individual opinions should not be surrendered. I gave many instances of this, and amongst others I mentioned the admission of the Jews into Parliament: and of course I represented that my opinion was, as is well known, adverse to that measure. The hon. Gentleman says that I have abandoned my objection to that step. Now, I do not make any complaint whatever of the hon. Gentleman. I have no doubt that he had been informed that it was so, and that when he made the statement he believed that it was true; but it is nevertheless entirely without foundation. The question of the admission of Jews into Parliament came before this House in three separate forms last year, which was the only Session that has occurred since my address to my constituents. It came before the House in the form of what was called the Jews Bill, of the Oaths Bill, and of a question that Baron Rothschild, then a Member of the House, who had not taken his seat, should be put upon the Banking Committee. Upon all those occasions divisions took place. Upon one I expressed my opinion, upon all I voted, and I voted as I always had done since I had had the honour of a seat in this House.

The Solicitor General

OPERATIVES AND MASTERS BILL.

QUESTION.

Mr. FITZROY said, he rose to put a question to the right hon. Gentleman the Secretary for the Home Department. It would be in the recollection of hon. Members that, among the Orders of the day that stood for yesterday there was a bill entitled Operatives and Masters Bill, which was promoted by the hon. Member for Rye (Mr. Mackinnon). That Bill was read a second time owing to a mistake of the hon. Member for West Surrey (Mr. Drummond), who imagined when the title of the Bill was called, that it was one which he was promoting under the title of Combinations of Work men Bill. There were considerable objections to the Bill of the hon. Member for Rye, which had thus been read a second time by mistake, and considerable inconvenience would arise, to say nothing of the irregularity, if this stage of the Bill was allowed to be taken under a mistake. He would ask the right hon. Gentleman whether he intended to move a Resolution that the proceedings of yesterday, so far as they related to that Bill, should be held null and void, or what other course he intended to take, so that no inconvenience might be sustained by this mistake.

Mr. DRUMMOND said, he was exceedingly sorry if, by any mistake on his part, he had transgressed the rules of the House, or put the House to inconvenience. The fact was that his Bill had been put down for the second reading, and when the Masters and Operatives Bill was called on, several hon. Members came to him one after the other and said to him—"Is not that your Bill?" Overcome by this iteration, and supposing from the similarity of the title that it was his Bill, he moved the second reading. The fact was, that, so far from wishing the Bill to be read a second time, he had a great aversion to it, and indeed had given notice to move, on going into Committee, that the Bill should be postponed for six months.

Mr. SOTHERON ESTCOURT said, that two Bills had been introduced; one by the hon. Member for Rye, and the other by the hon. Member for West Surrey. To the latter measure no objection, he believed, was felt in any quarter; but the other was likely to meet with very considerable opposition. It had, however, been read a second time yesterday under a mistaken impression on the part of the House generally that it was a Bill to which they would all be disposed to give an immediate assent.

Under these circumstances he proposed, in accordance with what he understood to be the precedents in such cases, to move that the Order of the preceding day be discharged; but he would give full notice of that Motion, and would afford the hon. Member for Rye an ample opportunity of defending his measure.

POSTAGE ENVELOPES.—QUESTION.

Mr. COWAN said, that the hon. Gentleman the Secretary for the Home Department had on the preceding day made a statement which he could not think perfectly satisfactory, in reply to a Question which had been put to him by the hon. Member for Manchester (Mr. Turner) relative to an advertisement which had been issued by the Board of Inland Revenue, inviting tenders for the supply of a large quantity of paper for postage envelopes. He wished to know whether the Government had sanctioned the course which had been pursued by the Board of Inland Revenue in that matter, and whether they had entered into any communication with respect to it with Mr. M'Culloch, the superintendent of the Stationary Office, whose business it was to superintend all transactions that related to the furnishing of paper to the different public departments?

TROOPS AT TRINIDAD.

OBSERVATIONS.

Sir DE LACY EVANS said, he wished to call attention to the sickness and mortality of the troops quartered at Trinidad, and concerning the barracks and the unhealthiness of the locality in which they are situated. He had given notice to move for a copy of some correspondence which had taken place.

Mr. SPEAKER said, that the hon. and gallant General having given notice of a distinct Motion with reference to his subject, would be out of order in bringing forward a Motion upon the Motion for Adjournment.

THE NATIONAL GALLERY.—"THE APOLLO AND MARSYAS."

QUESTION.

Mr. CONINGHAM asked the Chancellor of the Exchequer, whether, as the authorities at the National Gallery were reported to have expressed their willingness to give a large sum for a picture by Raffael, it would not be desirable that the Government should secure for the nation the famous picture of "The Apollo and Marsyas," now in the possession of Mr. Morris Moore,—the original drawing for which is in the academy at Venice. His question, he said, involved a name and a picture; the name was that of a man who had made for himself a European reputation as an eminent connoisseur, and who had rendered important services to the country by protecting the national property from the attacks of the picture cleaners; by checking the purchases of worthless pictures, and by preventing the removal of the National Gallery from its central position in Trafalgar Square to the suburbs. Sidney Smith once observed that no man in this country could afford to entertain an independent opinion on less than a thousand a year; and Mr. Morris Moore had experienced the truth of the remark, for, by his exertions to reform the administration of the National Gallery, he had been totally ruined. In the performance of these services, he had incurred the enmity of aristocratic and courtly circles, and this had brought him into the position which he had described to the House; while an incompetent official, whose removal from the gallery Mr. Moore had formerly succeeded in procuring, had been subsequently restored to office with a quintupled salary. It so happened, that while a German agent of the Gallery was travelling on the Continent at the public expense, purchasing third and fourth-rate pictures, the collection of a private gentleman was brought to the hammer at Christie's Auction Rooms, in King Street. Mr. Moore there saw and purchased the "Apollo and Marsyas," which he at once recognized as a genuine work of the "divine Master;" and it was, in fact, a gem of the purest water, and of the finest period of Italian art. By a singular coincidence, the original drawing for the picture was discovered about the same time, in the gallery at Venice, which Mr. Moore had photographed, and one of those photographs was now in his (Mr. Coningham's) possession. Considering the debt of public gratitude due to Mr. Moore, which he hoped the Government would recognize, he believed they would be rendering service, not only to the cause of Art, but performing an act of great popularity by purchasing the picture. The hon. Member made some further observations, which were rendered almost inaudible by loud expressions of impatience on the part of the House.

Mr. VERNON SMITH said, he rose

to put a Question to the Secretary of State for India.

MR. CONINGHAM: Perhaps the Chancellor of the Exchequer will be good enough to answer my Question before the House proceeds to another subject.

MR. VERNON SMITH said, he would not trespass at great length on the attention of the House.

MR. ROEBUCK intimated his opinion that the Chancellor of the Exchequer ought first to answer the Question of the hon. Member for Brighton.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to order. As he could speak but once upon the Motion of the adjournment of the House till Monday; he did not think it desirable that he should proceed to answer the Question of the hon. Member for Brighton until he should have an opportunity of knowing whether any other question which might also require a reply upon his part would be addressed to him.

MR. BRIGHT said, he also rose to order. It appear to him that the House was falling into a most absurd practice every Friday evening. He observed that on the other evenings of the week Ministers rose several times to answer questions which were put to them; but on the Friday they could rise but once, and the consequence was, that the Questions addressed to them and their replies to those Questions presented, when reported in the public prints, a most disjointed appearance. He would put it to the right hon. Gentleman in the Chair and the House, whether it would not be better to allow the Minister to answer in its natural order each Question as it was addressed to him on the Friday in the same manner as he replied to the Questions that were put to him during the other days of the week.

MR. SPEAKER said, it was perfectly true that on ordinary evenings, if two or three Questions were addressed to a Minister, he had the power of rising and answering each of them in its proper order; but no debate could then take place in reference to those questions. Upon the present occasion, however, there was a Motion for the adjournment of the House, and notice was given that several Questions would be put on that Motion being made, hon. Gentlemen wishing to accompany those Questions with certain observations. But if the hon. Member for Birmingham (Mr. Bright) wished to ask him, in the first place, whether anything out of order had taken place upon that occasion, he should answer in the negative; and if the hon. Member further asked him whether he thought the convenience of the House would be promoted by allowing any hon. Member to speak two or three times on the Motion for the adjournment, he should say that the inconvenience of the present system, which was very great, would be considerably increased by following a suggestion of that kind.

MR. BRIGHT said, he rose to explain. He merely proposed that a Minister answering Questions, and not any other Member, should be allowed to speak twice or thrice on the Motion for the adjournment.

THE CHANCELLOR OF THE EXCHEQUER said, he thought he could put himself right with the House. He believed that the hon. Member for Sheffield (Mr. Roebuck) and the hon. Member for Birmingham (Mr. Bright) laboured under a complete misconception. The fact was, that when a Question was addressed in the ordinary way to a Minister there was no Motion before the House, and therefore it was his duty at once to notice it. But at that moment there was a Motion before the House, and, as he could speak but once upon that Motion, he thought it right that before he rose he should have an opportunity of ascertaining whether any further Question might be put to him that would require an answer upon his part. Therefore, he naturally waited until the last moment before he replied to the hon. Member for Brighton.

[*At a later period of the evening.*]

THE CHANCELLOR OF THE EXCHEQUER said, that he found very great difficulty in answering the Question addressed to him—whether, as the authorities at the National Gallery were reported to have expressed their willingness to give a large sum for a picture by Raffael, it would not be desirable that the Government should secure for the nation the famous picture of "The Apollo and Marsyas," now in the possession of Morris Moore, Esq., the original drawing for which was in the Academy at Venice. He really never heard of the report, and never saw the picture. He was, therefore, called upon to deal at the same time with an hypothesis and a contingency. In what more puzzling situation could a man be? All that he could say was, that, filling the situation which he now had the honour to occupy, he naturally looked with alarm when he heard of large sums in connection with famous pictures; but he at least expressed the opinion of the Government when he said he thought that when the trustees of the National Gallery did purchase pictures, unless they purchased pictures of the highest possible class they would incur a very heavy responsibility.

THE COUNCIL OF INDIA.

QUESTION.

Mr. VERNON SMITH said, he rose to ask the Secretary of State for India to lay on the Table any Minutes or Regulations he has made for the transaction of business in the Council of India, under the 20th section of the Act 21 & 22 *Vict.* c. 106. In the course of the discussions last year upon the Indian Bill the noble Lord the Secretary for India had told them that he proposed to adopt such regulations as might be found convenient for the division of labour among the members of the Indian Council; and it appeared to him to be desirable that they should at present learn how far that determination of the noble Lord had been carried into effect. A case had recently arisen which showed the advantage which would follow from their possession of accurate knowledge upon that point. The noble Lord had addressed an important despatch, dated the 9th of December, to Viscount Canning, which had recently been laid upon the table; and he thought it was very desirable that they should know whether that document had been the production of the noble Lord alone, or whether it had received the sanction of the Indian Council.

Mr. SALISBURY said, he would also beg to ask the Secretary of State for India the date on which he received Viscount Canning's Despatch No. 26½ of 1858, and dated the 17th of June; also, if any Minute or Memorandum has been placed upon the books of the Indian Council in respect of the Despatch No. 5. of 1858, and dated the 9th of December; and, if so, whether the Government are prepared to lay a Copy of such Minute or Memorandum on the Table of the House. He could assure the noble Lord that he was influenced by no party or personal motives in putting these questions. He had entertained a decided objection to the Oude Proclamation, and he was also hostile to what was called the Cardwell Resolution of last year; but he had been greatly pained at the terms in which the noble Lord's despatch to Lord Canning was couched. He would not say that despatch was insolent, but it was certainly a most injudicious document to be addressed by the Minister of the Crown in this country to a nobleman filling the high and distinguished and difficult position which Viscount Canning occupied in India. He had been credibly informed that the despatch of Viscount Canning, dated the 17th of June, was received in this country before Parliament was prorogued last Session. He had also been credibly informed that the despatch of the 9th of December had been submitted to the Indian Council, and that, although no positive declaration might have been made to the noble Lord against the terms of that despatch, the Council had put a minute or memorandum upon their books declaring that, in their opinion, that despatch ought not to be sent out to the Governor General of India. There might not have been a protest on the subject, but he was told that there was such a memorandum as he had mentioned.

Lord STANLEY said, he had to state in reply to the Question of the right hon. Gentleman opposite (Mr. Vernon Smith), that he had no objection to lay upon the table the minutes and regulations to which he referred. Those minutes were very brief, and merely related to the division of the Council into Committees for the despatch of business with greater facility, on a plan similar to that which had existed under the Court of Directors. The Council had adopted, with some modifications, the system which previously prevailed. Questions were, in the first place, considered in Committees, and the draught despatches and papers were then laid upon the table of the Council, where they generally remained for a week. Of course this arrangement did not at all affect the power which, after much discussion, had been vested by that House in the Secretary of State of sending out despatches upon his own responsibility through the Secret Department. He admitted that in those comparatively rare instances when despatches where sent out in that manner there ought to be some indication that they were sent out in the Secret Department. He accepted the suggestion of the right hon. Gentleman on that point, and it was merely from inadvertence that such a course had not been already adopted. In point of fact, however, the despatches so sent out would be distinguishable from others, for it was stated with regard to all despatches submitted to the Council that they had been "considered in Council," and therefore the omission of those words at once showed that a despatch had been sent through the Secret Department. He now came to the question of the hon. Gentleman (Mr. Salisbury) who asked the date on which he (Lord Stanley), received Viscount Canning's despatch of the 17th of June. It was received in London on the 2nd of August, but it probably did not reach his hands until the 3rd or 4th, at which time the Session had closed, and it was therefore not in his power to lay the document before Parliament. Strictly speaking, it was irregular to publish such a despatch before it was laid on the table of the House; nevertheless, in justice to Lord Canning that course had been adopted in the present case. With regard to the second part of the hon. Gentleman's question, the only paper that answered in the slightest degree to the description of those referred to by him was a minute of the Political Committee, to whom the draught despatch was in the first instance referred. It was suggested, however, that as all the other correspondence on the subject had taken place through the Secret Department it was desirable that the same course should still be pursued, and upon that suggestion he had acted. He sent the despatch through the Secret Department, and it never was brought by him before the Council. He had stated on Monday evening, in reply to a question which was put to him without notice, that no protest had been made against the despatch. That was strictly and literally the case. No protest in any form had been recorded against it; and if he had had an opportunity of considering his answer he would have said that from the form in which the despatch went out the opinion of the Council was not taken upon it, and that therefore no opportunity for any protest was afforded. He had stated, in reply to the question to which he referred, that the despatch was sent out through the Secret Department, and upon the responsibility of the Secretary of State alone; and the only paper which at all answered the description of the hon. Gentleman (Mr. Salisbury) was an extract from the minutes of the Political Committee, merely stating that the draught of the despatch was read and approved without any further explanation. With regard to the despatch itself which was the subject of these questions, he thought that as it would probably be the subject of future debate the House would not expect him to enter upon its defence on the present occasion. He would, however, take that opportunity of stating most plainly and distinctly that nothing was further from his mind, either at the moment of writing that document—for he was responsible for it—or at any other time, than to take any step which would give personal offence to, or wound the feelings of Lord Canning. If it were considered that such was the effect of the document in question, he could only say that he regretted it and did not intend it. At the same time, the opinion expressed in that despatch was deliberately formed, it was right that it should be distinctly asserted, and he thought that upon such a matter—a large question of Imperial policy, it was the duty of the Government, holding the opinions they entertained, to take care that those opinions were fully and unequivocally conveyed to Lord Canning.

CENTRAL ASIA.—QUESTION.

MR. W. EWART said, he wished to ask the Under Secretary of State for Foreign Affairs whether there is a prospect of the completion of the road from Trebizonde to Erzeroum, important as an opening for British manufactures to the more central parts of Asia; also, whether the Government has information how far the new frontier line of Russia below the River Amoor extends; and whether the Russian Government has occupied a port opposite the south-west of the island of Sagalien?

MR. SEYMOUR FITZGERALD said, the only information he had it in his power to give in answer to the first Question was contained in a despatch of Sir Henry Bulwer, in which he stated that orders had been given to repair the roads to Erzeroum, but that he did not apprehend much good would be done, and that the construction of a new road would require considerably more funds than were at the command of the authorities. Sir Henry made a suggestion, to which he (Mr. FitzGerald) thought it was not very likely the Chancellor of the Exchequer would listen—namely, that if the British Government would advance the money the Porte would undertake the work and pay interest, but otherwise the Porte would be ready to make concessions to a private company. With regard to the second part of the Question, the Government were given to understand by the treaty of Tien-tsin, signed on the 15th of June last, that the boundaries between the Russian and Chinese empires were to be ascertained by a commission of engineers. They had no official information whether that commission had been appointed, whether the limits had been traced, or whether any convention had been held on the subject. As to the last part of the question—whether Russia had occupied a fort opposite the south-west of the island of Sagalien—he had no information at all on that subject.

THE ANNUITY-TAX.—QUESTION.

MR. BLACK said, he would beg to ask the Lord Advocate when he will lay his Bill for the repeal of the Annuity Tax on the Table.

THE LORD ADVOCATE said that, although the hon. Member had induced the House to pass the second reading of a measure on this subject, he thought he should best meet the wishes and expectations of those who desired the settlement of the question by proceeding with the Bill which the Government intended to introduce. He hoped to be able to proceed with it on an early day, but at that moment he could not name the day.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

ADJOURNED DEBATE. FOURTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words—

> "This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. HORSMAN said, that before the debate was proceeded with, he wished to correct an error into which his hon. Friend the Member for Birmingham (Mr. Bright) had fallen last night in referring to his speech on a previous evening. His hon. Friend represented him as having suggested that the House should make their Amendments in the Bill in Committee, assuming that the Government would dishonour itself by accepting those Amendments. What he had really said was, that he thought the House ought to use every effort to make the Amendments they pleased, pressing on the Government the responsibility of rejecting them, and then when the House had before it two rival Bills—the measure as introduced by the Government and as altered by the House—there would be a clear issue for an appeal to the country.

SIR STAFFORD NORTHCOTE said, no one could wonder at the cheers which greeted the right hon. Member for Cambridge University (Mr. Walpole) when he rose to address the House, or indeed consider the various aspects that the debate had assumed, without feeling that the House had got into a situation of embarrassment. That position was attributable to various causes. In the first place, the main question with which they had to deal was one so complicated, and at the same time so important, tnat it was hardly possible to propose any measure respecting it which would not be productive of embarrassment. That embarrassment was increased by the fact that the Government which brought forward the Bill were confessedly in a minority in that House; that their scheme of Reform did not originate altogether spontaneously with them, but was rather an answer to a call made by the country. And it was the more difficult and embarrassing that this call for a measure, though loud, was anything but distinct as to the particular objects which were desired. But these which might be called the natural difficulties of the position were by no means all. Not only had the House to consider the circumstances under which the Bill was introduced, but the manner in which it was met, and the issue which was raised by the noble Lord's Resolution. That issue was a peculiarly embarrassing one. They were not now engaged in a fair stand-up fight on the second reading, nor had they the advantage of the open council of Committee; they were entering at one stage upon discussions which belonged more properly to another. Then, too, the Resolution, though it dealt only with two points, was so general in its terms respecting them, and left matters so uncertain, that no one was able to say distinctly what was the issue raised, or what was the alternative which they had before them. As had been pointed out by his right hon. Friend the Vice President of the Committee of Council, the Resolution of the noble Lord might be satisfied with the smallest Amendment, or include the largest change. It was an axiom in politics, that in considering a question you should look not only at the particular proposal before you, but also at the alternative presented. Political questions were both of a positive and a comparative character, and when asked to assent to a particular measure you were bound to consider the alternative as well. Now, what, he would ask, was the alternative which it was proposed to the House to accept in lieu of the Bill of the Government, should the Amendment be carried? Neither from the Resolution itself nor from the speech of the noble Lord in laying it before the House could the nature of that alternative be inferred. Hon. Members were therefore left to find out for themselves in what it consisted. It was but natural with that view to look back to the measure which had been introduced in 1854 by the noble Lord or to the scheme which had been shadowed forth out of doors by the hon. Member for Birmingham, by whom the Resolution was supported. But both those were questions upon which the noble Lord declined to commit himself; and upon both the Government were told they had no right to take issue. The right hon. Gentleman the Member for Ashton had told the House that the right hon. Baronet the Secretary for the Colonies (Sir E. Bulwer Lytton) wandered from the point, because he introduced the questions of universal suffrage and democracy, and other matters which were not before the House; but when the House was called on to reject one measure, and was not told what other measure was proposed as an alternative, it was quite fair to discuss the merits of all possible or all probable alternatives in comparison with it. The progress of the debate, however, had presented the very peculiar feature that many hon. Members who had announced it to be their intention to vote in favour of the Resolution did not seem inclined to commit themselves to the propositions which had been made on the subject of Reform by either the noble Lord or the hon. Member for Birmingham; but had discussed the question as if they thought that the alternative of which he spoke might be found in the suggestions of his right hon. Friend behind him (Mr. Walpole) who had lately seceded from the Cabinet. The right hon. Gentleman the Member for North Wilts (Mr. S. Herbert) had, for instance, spoken out very plainly in that direction a few evenings before, and it must be clear to the House that the course which had been taken by his right hon. Friends the Members for the University of Cambridge and for Oxfordshire in quitting the Treasury Bench must have seriously affected the position of the Government in dealing with the subject, the more especially as it was known that their resignation of office was connected with a principle which had given rise to so much difference of opinion—the principle of uniformity; for it could not have escaped the attention of hon. Members that no objection which had been urged against the Bill had been so loudly cheered as that in which the principle of uniformity had been denounced. Well, that being so, what, he would ask, was the proposal made in reference to the Bill by the right hon. Gentleman the Member for Wilts, and the greater number of those hon. Gentlemen by whom the Resolution was supported? It amounted, in effect, as he had before stated, to an invitation to the Government to assent to the alteration of their measure in conformity with the views entertained by their late right hon. Colleague. Now, that was a course he should contend which it would be extremely difficult for Her Majesty's Ministers to adopt without placing themselves in a false position — in a position so false as even to involve their personal honour. But he thought the matter had now gone beyond that. The point now was this:—Was it possible, after what had been said by the right hon. Gentleman the Member for Cambridge University on the one hand, and by the hon. Member for Birmingham on the other last night, any longer to look at the proposition of his right hon. Friend behind him as forming a basis for the solution of the question which there was any reasonable probability that the House would accept? But before he touched any further upon the proposal of his right hon. Friend he would, with the permission of the House, make a few observations on the question of uniformity or identity. The Government had been repeatedly asked what course they intended to take with respect to that question if the Bill should go into Committee, as he hoped might be the case; and whether they regarded it to be so essential a feature of the Bill as to consider any alteration which might be made in it fatal to their scheme. Now, it was, he should contend, a most unfair course to pursue to endeavour to pledge the Government at the present stage of the Bill as to the particular line of conduct which they would adopt under certain conditions which had not yet arisen. The principle of identity, he was quite prepared to admit, formed a very important feature of the Bill; but he would ask the House to consider how far the principle of identity was necessarily bound up with the principle of the measure, and whether the objections which had been urged against it did not apply less to the principle itself than to the mode of its application. He thought that the objections which had been stated to the principle of identity of suffrage were mainly these:—The first objection was, that it involved the maintenance of the £10 limit in boroughs; next, that it was mixed up with the question of the so-called disfranchisement of the freeholders; then that it would lead to the establishment of electoral districts; and, lastly, that it would foster the system of manufacturing what were termed fagot voters. Now, those various objections appeared to him to divide themselves into objections against the essence of the principle and objections against the accidents by which its introduction into the Bill was accompanied, or, in other words, against the mode in which it was to be applied. The objection to the £10 limit came, he thought, within the latter category; for it was perfectly clear that they might have drawn the line at any other point than the £10 occupation suffrage. It would be quite possible to reduce the £10 occupation suffrage in Committee, if the county occupation franchise were reduced at the same time, without interfering with the principle of uniformity. Then, again, with respect to the proposal for transfering votes from the boroughs to the counties, the principle of uniformity had nothing to do with that. His right hon. Friend the Chancellor of the Exchequer had given notice of an Amendment, the effect of which, if it were adopted by the House, would be to give the existing freeholders within boroughs the right of voting if they pleased for the county; and it was quite open to hon. Gentlemen opposite to move in Committee that that proposal might be so extended as that those freeholds should be for the future, as it were, earmarked, and instead of being an electoral part of the borough, should be regarded as an electoral part of the county in which they were situated. Thus they would get rid of the objection taken by the noble Lord the Member for London to the mode in which this Bill proposed to deal with freeholders. Was it not possible that they should go into Committee and discuss whether that Amendment might not be adopted? It was impossible, at that stage of the measure, that the bearings could be properly discussed. It was said that the Secretary of State for India and other hon. Members had precluded the House from discussing the question of the uniformity of the franchise. He had never heard anything from the noble Lord or from any other Member of the Government which could fairly give that impression. But when they had been asked to accept that Resolution the Government had said that such a course would be unworthy of them, although they never said they would not be prepared to consider in Committee any proposal fairly made. The right hon. Member for the University of Cambridge would be satisfied with nothing short of a promise on the part of the Government that every part of the Bill that involved the main principle should be fairly open to consideration in Committee, and that the Government should promise to adopt whatever Amendments the Committee might introduce. As he had said before, the Government did not object to the consideration of every point in Committee; but to pledge itself beforehand to accept everything that might be recommended in Committee was, of course, impossible. In Committee, however, the question of the borough freeholders might fairly be met. But there was a still more important question, whether dealing with the suffrage on the principle of uniformity might not expose them to serious dangers by giving facilities for the creation of fagot votes. That point had been much brought out in the course of the debate, and it was said that if the principle of uniformity be established, it must follow that whatever was to be admitted as a qualification for the counties should be a qualification for the boroughs. If, therefore, property be admitted as the basis of qualification in counties, it must also be admitted as the qualification in boroughs. But property was a fertile source of the manufacture of fagot votes, and in this respect it would be acknowledged that the limited areas of boroughs were much more dangerous than the extended areas of counties. The question, however, was not as to the principle, but as to the mode in which it was proposed to carry that principle out. The Government were aware of this, for a clause was introduced for the purpose of meeting the evil that was apprehended. It might be that this clause was insufficient. That, again, was a question for Committee; but it showed at least this, that the Government wished to guard against the danger, and if their present clause did not effect its object other remedies might be adopted. For instance, a remedy might fairly be applied against the evil by providing that the property qualification in boroughs should be confined to persons residing within them. The objection made on this score would thus be got rid of. It might be said that this would touch the principle of uniformity; but the Government did not wish to ride that principle to death. Uniformity of the franchise was not introduced by the Government as an abstract principle; they only believed they had found a practical way of dealing with the question by including a provision in the Bill reducing the county occupation franchise to £10, which is the limit of the borough occupation franchise. So far an uniformity was created; but the principle of uniformity, he apprehended, was not exhibited, like Morrison's pills, as an universal medicine; it was no divinity, to be worshipped at all hazards and at all costs any way; the Government did not pledge themselves to any adoration of it; let them go into Committee, and see if it were not possible to get rid of the objection in the way stated, or any other. [*Laughter.*] That observation caused a laugh; he did not understand the motive for it. What he had said did not differ in any respect from what had fallen from his right hon. Friends who had spoken on the subject. Of course he stood in a different position. He was not a Member of the Cabinet, and was not officially aware of their intentions. But he submitted whether the construction which he had put on what had been said was not the fair one. An attempt had been made—and he could understand the motives in making it—to fix the Government with some kind of absolute pledge that they would adhere to this, that, or the other provision of the Bill, and that such a pledge justified hon. Members in rejecting it. He had been very much struck with the reasons given by the noble Lord (Lord John Russell) for taking the course he proposed. He admitted that the Bill had some good points, but that others were so bad and obnoxious, that it ought to be rejected. Then why did he not take the ordinary course of proceeding on the second reading of a Bill? The noble Lord gave a reason why he would not directly vote against the second reading; it was that some parts of the measure being good, he did not like to vote against it lest his motives should be misunderstood. Considering the high position the noble Lord held and the respect long entertained by the country for his opinions on all subjects, and especially on the question of reform, he need scarcely have feared that any action he took on this Bill would be liable to misconstruction. But by the course he had taken he had placed many hon. Gentlemen in a similar difficulty with regard to his Resolution that he felt himself with regard to the Bill. He (Sir Stafford Northcote) knew that this difficulty was felt; it had been stated to him by many hon. Members. There were many hon. Members who did not entirely approve the measure, but who still thought it might be amended in Committee. They felt free to vote for it; but now they were called on to vote for or against the Resolution of the noble Lord; they did not like it; they wished it had not been moved; they preferred to go to the question on the second reading. But if they voted against a Resolution involving a more extensive and liberal plan of reform they felt that their motives would be liable to misconstruction, and they believed they would not be able to justify themselves to their constituents; and how much more must this difficulty press on those who occupied a less elevated position than the noble Lord? Now it had occurred to some ingenious persons to suggest an argument by which those hon. Gentlemen might justify themselves to their constituents for voting for the Resolution and against the second reading. It was to prove to them that the measure was one that could not be amended. They might be told that the Government had given notice, if any attempt were made to amend the Bill, or to touch the principle of the uniformity of the franchise, they would throw it up altogether; that any Amendment would be rejected; and that it was therefore better to put an end to the Bill by a swift process than subject it to death by slow torture in Committee. That was an effective position to take up; but in order to take up such a position they were obliged to put a construction on the language of Government to which it was not liable. When, he would ask, had such language been used by any hon. Gentleman representing the Government? When had the Government stated that any principle of the Bill was not fairly open to consideration in Committee? All they had said was that they could not pledge themselves for or against any Amendment till they knew what it was. Suppose they went into Committee, and the House adopted modifications in accordance with the views of the extreme Liberals, and contrary to the opinions entertained by that side of the House, was it to be contended that the Government would be bound to accept those Amendments? His right hon. Friend (Mr. Walpole) astonished him. Desiring a £20 occupation franchise in counties and a £6 or £8 franchise in boroughs, the right hon. Gentleman would naturally wish to see that proposal first adopted in Committee, and then accepted by the Government. But could the House really be expected, after all that had taken place, to come to any such conclusion? The hon. Member for East Surrey (M. Locke King) had told them that with regard to the reduction of the county franchise to £10 the question was settled, and the Government had no option but to make that concession. Certainly a Conservative Government having brought in a Bill giving a £10 occupancy franchise in counties, it was not likely that his right hon. Friend could raise the standard from £10 to £20. At the same time, if his right hon. Friend could persuade the House to agree to such a resolution in Committee, nothing had fallen from the Government to preclude them from assenting to it. They had not pledged themselves to reject any Amendment of any kind moved in Committee until they saw what the nature of that Amendment was. To ask them to adopt any proposal beforehand, without knowing what it was, was to ask them to abdicate the functions of a Government, and practically to proceed, not by Bill, but by way of Resolution. He believed he had dealt with all the principal objections to the principle of uniformity of franchise except two, one founded on the constitutional character of the distinction between the constituencies, and the other that it would lead to electoral districts. Before touching on these objections, however, let him say a word or two as to the advantages of the principle. By uniformity he meant a reduction of the county occupation franchise to the same limits as that of the borough franchise, and the extension to the boroughs of a qualification founded on property. The first advantage of that system would be that it would get rid of that sort of Dutch auction between the counties and boroughs which the Solicitor General had so well described, and would also, obviate the danger of electoral districts. He did not rest on the authority of the hon. and learned Gentleman alone, but would quote the highest authority that could be adduced, that of the noble Lord the Member for London. He should quote from a speech made by the noble Lord two years ago, but in doing so he need hardly say he intended no disrespect to the noble Lord nor did he intend to taunt him with having changed his opinion. In 1857, in a discussion on the proposal of the hon. Member for East Surrey, the noble Lord made use of a conclusive argument in favour of the principle of identity of suffrage. The noble Lord supported the reduction of the county franchise to the same amount as the borough franchise, maintaining that the tenants of £10 houses in counties had generally more intelligence and more property than the tenants of the same class of houses in boroughs. At whatever point the occupancy franchise was fixed, be it £5, £6, £8, or £10, the same reasoning would equally hold good. An occupier of an £8 house in a county was quite as fit to be intrusted with the franchise as an occupier at the same rent in a town. Therefore, if any distinction was maintained between the franchises in town and county, it would always be liable to that objection. Again, what was meant by counties? They included, not merely agricultural districts, but large unrepresented towns. And there could be no doubt that the inhabitants of those large unrepresented towns stood upon precisely the same footing, and were as much entitled to the suffrage as the corresponding class in Parliamentary boroughs. On the same occasion the noble Lord referred to this, and said—

> "But, according to the existing arrangement, they may also say, 'Here is a town which has grown up, which has 10,000, 12,000, or 14,000 inhabitants, but which sends no special representatives to Parliament; but there is a town, only five miles off, which has only 5,000 inhabitants, and which is made up partly by the addition of country parishes. It is very hard that that town should have Members, while that in which we reside has none.' If we are not going to alter the distribution of seats in this

> House, that grievance must remain without remedy; but if you give to the inhabitants of that town of 12,000 or 13,000 persons the right of voting for the Members for the county, their causes of complaint would be greatly diminished, and they would so far be satisfied that they had at least equal rights with their neighbours."

If they gave the inhabitants of unrepresented towns the same rights as they gave those with representatives they would get rid of the distinction between them, and diminish the pressure for electoral districts. Another argument in favour of identity was based on the advantage of the introduction of the freehold qualification in boroughs. The hon. Member for Halifax (Mr. Crossley), whose knowledge of the working classes was very great, had told them he had 1,300 workpeople in his own employ, none of whom had votes for the borough, but some of whom had votes for the county as 40*s*. freeholders. This could not be because these men took more interest in the county in which they did not live than they took in the borough in which they did live, but rather because under the existing law they could invest their savings in the purchase of a 40*s*. freehold, conferring a vote for the county, whereas no such investment conferred a vote for the borough. Why should not these working men have an opportunity by the purchase of freeholds of becoming electors in the borough they inhabited? Another advantage of identity was this:—If they looked forward to future extensions of the franchise, as doubtless they did, that extension ought to be uniform over all parts of the country. One standard in the towns and another in the counties would divide that House horizontally instead of vertically. The county Members would represent a higher and the borough Members a lower class in the social scale. The county Members ought not to be placed in such an invidious position that it might be said to them, "You represent the middle and upper classes, while the borough Members represent not only those classes but the lower classes besides." The two sections of representatives ought to stand in that House on an equally broad delegation—an important consideration, taken in connection with that feature of this Bill which consisted in the preservation, on the whole, of the existing distribution of Members. There were one or two points on which he had received official information which he felt it his duty to lay before the House. They had heard a good deal about what were called the "fancy franchises," but hon. Members did not appear to remember that there was every reason to suppose that if the Bill passed, even in its present shape, it would add one-third to the existing constituencies, and would open the door for further additions. The number of electors at present was about 900,000, and he believed that this measure would increase the constituencies by about 300,000. It was generally admitted that the reduction of the county franchise to a £10 occupancy would in itself add something like 200,000 to the number of electors. That, according to the best information which the Government had been able to collect, was the number which would probably be added to the county constituencies. It might be said that some deduction must be made on account of the transference or disfranchisement of the 40*s*. freeholders; but it would be open to them in Committee to take care that no such disfranchisement should take place. He believed they might safely say that 50,000 voters would be added to the lists by the savings' banks clause, and another 50,000 by the other franchises provided by the Bill. He observed that hon. Gentlemen questioned his statement as to the effect of the savings' bank clause. It was, of course, difficult to obtain any very accurate information on the subject, but he had communicated with the Controller of the National Debt Office, who was best acquainted with it, and had asked him to state what number of depositors above £60 there were in the savings' banks. The answer was, that he could not give the number above £60, but he could that above £50. In the year 1858 the number of persons having deposits of above £50 was 185,000; of that 185,000 a certain number must be struck off as holders of trust accounts for infants and others. They had the means of ascertaining that number approximately, because a Return was made to the House of Lords in 1852, from which all trust accounts were excluded; and according to the proportion shown by that Return it appeared that the number ought, in this account, to be reduced to 153,000. There had also, in a former year, been a Return of the number of male and female depositors, and, according to the proportions there exhibited, this 153,000 might be divided into 75,400 women, and 77,600 men. Of these 77,600, probably a considerable number enjoyed the franchise already; but he thought it was not at all improbable that his estimate of of an addition of 50,000 was within the mark. This number, however, would be greatly extended if the *maximum* was somewhat reduced, or if other investments than those in savings' banks were allowed to give a qualification. Then as regarded lodgers. The clause in the Bill, with reference to them would add a considerable number of voters to the constituencies. In London there were as many lodgers as householders, and in the borough of Marylebone the number of the former class infinitely exceded that of the latter. There were in that borough scarcely any houses below the value of £10, and therefore the reduction of the occupation franchise below that amount would add a very small number to its constituency, while even the 8*s.* lodging clause would make a very large addition. He had ascertained, as the result of an inquiry at one of the largest printing offices in London, that the 8*s.* clause would let in all the occupiers of first and ground floors in Marylebone; and of course if the rent were reduced the occupants of other floors also would be admitted to the franchise. He was told that 7*s.* a week for furnished lodgings was about equivalent to a rent of £10 per annum for an unfurnished house; and the fixing the rent which should give the qualification at 8*s.* a week was clearly a point which might be considered and amended in Committee. It was known that many of the working classes took houses of greater value than £10 a year, and let off portions of them to fellow workmen, none of whom now possessed votes, but who would, according to this Bill, be enfranchised. It was therefore clear that, even as the Bill stood, the Savings Bank and lodger clauses would make a very considerable addition to the constituencies. Hon. Gentlemen opposite, however, said that this was not enough. Let them consider what was the position of the Government in bringing forward this measure. Feeling as they did the importance of settling the question, their desire had been to introduce such a measure as would pass. It was quite clear that any measure which they might propose for the extension of the suffrage would admit of expansion, but would not admit of contraction. It was quite clear they could not have receded from what they had offered, and that if they had begun by offering too much, although they might have gained a little temporary popularity and a few cheers they would altogether have failed to pass a practical measure. They had proposed a measure which hon. Gentlemen opposite said fell short of that which was reasonable. If however, it contained nothing that was objectionable, they had it in their power to carry it as much further as they pleased. No one attempted to bind them not to propose any Amendment which they chose, but for the Government, before the second reading of the Bill, to pledge itself to accept anything which might be proposed would be to abdicate its functions and to throw the Bill upon the table for the House to make a measure for itself. The Government had not taken that course. They proposed to the House to go into Committee and to deal with the question in a practical manner, letting every individual give his counsel, and place upon the paper the definite proposals which he had to make. After the speech of the noble Lord the Member for the City, reserving to himself the knowledge of what he would be willing to propose or to accept, and after that of the hon. Member for Birmingham, with its allusion to autumn meetings and winter agitation, which he seemed to think would be a not undesirable termination of this discussion, hon. Gentlemen opposite would incur a very grave responsibility, if, without indicating precisely, or even approximately, what they wanted, and without offering the public any fair prospect that the question could be settled, they refused to go into Committee on this Bill, on the altogether delusory and untenable ground that they would be precluded either by the forms of the House or by any supposed declaration of the Government—which was one of their own invention—from bringing this question to an immediate and practical solution. He believed that this Bill did furnish all the elements for such a settlement. It was perfectly possible that they should in Committee, without much difficulty, and without compelling the Government to throw up the Bill, remove those provisions which had been looked upon as really objectionable, and it was also possible that in Committee the House would carry it somewhat further. How much further it did not in his position become him to say. [*Laughter.*] Hon. Gentlemen laughed at that expression, and he knew what was said last night by the hon. Member for Birmingham about "professional witnesses;" but he thought that one who had recently joined the Government and was not admitted to such a position as gave him any knowledge of what might be the intentions of the Cabinet might very properly form his own judgment from what passed in that House and what he heard. The judgment which he had formed was that it was perfectly possible for the scope of the Bill to be extended in Committee, but that, without abdicating their functions, the Government could not, before the second reading, pledge themselves to accept any Amendment which might be proposed. He maintained that the Bill laid down principles upon which the Government and the Conservative party might fairly take their stand, and that if it were not passed, there would be no prospect of bringing the question of Reform to a practical settlement within any definite period.

Several hon. MEMBERS rose at the same time to address the House.

MR. SPEAKER called upon Mr. CARDWELL. Hereupon there were cries for Mr. BEAUMONT; and

MR. BENTINCK, rising to order, asked Mr. SPEAKER whether it were not the practice of the House to give precedence to a new Member?

VISCOUNT PALMERSTON inquired whether, when Mr. Speaker had called upon a Member to address the House, it was regular for hon. Members to prevent his proceeding, and insist upon another Member being heard.

MR. SPEAKER again called on Mr. CARDWELL.

MR. CARDWELL: Sir, when my hon. Friend the Secretary to the Treasury rose to address the House I knew that we should have the pleasure of listening to an able and temperate speech. When he referred to the difficulties under which the House finds itself in dealing with this great and important question, I hoped that his speech would close with information which would give us some facility for extricating ourselves from those embarrassments. When he addressed himself to the distinction between matters of principle, which must be settled upon the second reading, and matters of detail, which should be considered in Committee, I hoped that before he sat down he would tell us what part of the Bill, in the judgment of those who propose it, ought to be discussed upon the present occasion, and what parts, being matters of detail and capable of amendment at a subsequent stage, the Government do not think belong to the principle of their measure. But when I listened to his able speech to its close, and endeavoured to draw a distinction between principle and details, I was reminded of the description of ancient chaos, where the water was too thick to sail in and the land too liquid to walk upon; or of those regions in the Polar Sea where the navigator is baffled in his progress because the ice is not strong enough to bear him, and the water is so clogged with blocks of ice that he cannot traverse it with his vessel. If I could arrive at any conclusion from the speech of my hon. Friend it would be that the Bill contains no single proposition which can be dignified with the title of a principle; that the measure has been framed, as my hon. Friend told us more than once, not to carry into effect any sincere conviction, not to accomplish any important practical result, not to confer upon the people any great substantial benefit, but—to use his very words—in order that it might pass. If the Bill should be passed, he said the object of the Government would be achieved. But there are such things as principles, and it becomes the House of Commons to consider them carefully before they embark on the dangerous course of discussing the details of such a Bill as the present in Committee. We have now a great opportunity, if it be rightly used, for performing a very important duty. What is that duty? The measure of 1832 was not one, as the present may be, of calm and scientific alteration of our representative system adapted to the circumstances of society, but it had another character still more important impressed upon it. It was the result of a great struggle for the transfer of power from the agricultural interests, which then possessed it, to the monied, commercial, and manufacturing interests which had grown up in preceding years. That struggle ended happily, but it left behind it many reforms to be accomplished before the spirit and intentions of the Act of 1832 could be completely carried into effect. Nearly thirty years have since elapsed, and during that period great changes have taken place in the industry, the prosperity, and the education of whole classes of the community, which now require to be considered by the House of Commons. I think the present is a great opportunity for accomplishing a further reform without again involving ourselves in an angry struggle between classes; but when I listened with pleasure and admiration to the able speech of the Secretary for the Colonies I could not help feeling an apprehension that if doctrines like those which he laid down are to be accepted in this House, if animated appeals are to be made to the middle classes to retain the power they have acquired, to guard jealously the outworks of their franchises, and to be careful that no one participates with them in the benefit of political privileges, the next Reform Bill may be—what I sincerely trust the present measure will not be—an angry and exasperating struggle for the transfer of power from one class to another. What is our main object in dealing with the question of reform at all? It is to diminish what is called influence in the election of Members to serve in Parliament, and to increase that power of public opinion which is the result of intelligence, education, industry, and associated wealth and numbers. Is the Bill before us one which in its present shape will accomplish, or tend to accomplish that object, or is it a measure which, if passed into law, would have exactly the opposite tendency, would increase what is called influence, and diminish what is called the power of public opinion in the return of Members to Parliament? There are three ways in which you can deal with the reform question. The first is by the redistribution of seats, transferring them from small and decayed places to large and industrious communities; the second is by an extension of the franchise in counties, and the third by an extension in boroughs. My own opinion, concurring with that of the greatest writers upon legal and constitutional subjects, is that of all the means by which you can increase the influence of public opinion in this House that is one of the most efficacious. But it is not contained in the present Bill, and the noble Lord the Secretary for India admitted this was right in theory, but at the same time he told us that we must be satisfied without it, for the power of the small boroughs on a division would be irresistible, and therefore the Bill is incapable of Amendment in that respect. We are thus driven to look the more carefully at what the Government actually do propose. Their measure provides, in the first place, for an alteration of the county franchise, and we have twice been told by the highest authority that what is called uniformity or identity of franchise between counties and boroughs is the main principle of the Bill. I confess, however, that the debate has been of such a character that I do not know at the present moment whether we are to understand uniformity of franchise to be a matter of principle or a matter of detail. But, however, that may be, I say it is a principle rooted in the antiquity of the country, a principle which has never been touched from the earliest times down to the present day, a principle which you cannot alter without laying the axe at the root of our national liberties, that there shall not be uniformity of franchise, but that there shall be that variety of franchise which, giving men a voice in the councils of their country by different channels, avoids making a rude and marked separation between one man or one class and another, which gives identity of interest to persons holding different franchises, and which forms, therefore, the groundwork upon which our whole system is built. The moment you interfere with that variety of franchise you alter altogether the entire scope and tendency of your institutions. It has been disputed, that the county franchise turns on property, and the borough franchise turns on occupation; and the hon. and learned Solicitor General said that since the Reform Act of 1832 it could no longer be truly said that that distinction exists. The history of the county franchise is this:—In the earliest times to which our history extends, all freeholders of counties were invited to exercise the franchise. It was in the reign of Henry VI. that for the first time the freehold franchise was limited to 40*s.* At that time only freeholders were included in the franchise, because beneficial occupation in the way of leaseholds in that early period was not known, and because then copyhold was the tenure of a person of low estate. But when beneficial leaseholds grew up the franchise was extended to them as well as to copyholds, and, lastly, whether rightly or wrongly—I think rightly—by the Act of 1832, the property of a yearly tenant in his holding, if the rent amounted to £50, was regarded as entitling him to a county vote. The history of the borough franchise was wholly different. In 1624 there sat in this House a Committee, of which Mr. Hallam said that it was composed of the most eminent men ever associated together in a body of that kind; and they laid down what they called the common law right to vote in boroughs. That right, according to them, extended to all householders resident in the borough and paying the local taxes; and that is the franchise of which Mr. Hallam says the nearer you approach it the more consonant you are, not with the new theories of modern liberty so frequently put forward, but with the ancient spirit of the law of Parliament. So stood the subject up to the passing of the Bill of 1832. What I contend for is, that if you proceed in a Reform Bill dealing with the county and borough franchises according to their history and original principles, you are not unsettling principles valuable for the maintenance of your institutions, but you are able to extend the franchise to something like the point indicated by the right hon. Member for Cambridge University, or to any other point, according to the feeling this House may entertain with respect to the intelligence and education of those who desire the franchise, and according to the exigencies of the times. But in either case you maintain the principles which the history and traditions of this country have brought down to the time in which we now are. I will point out what is the valuable effect of this diversity in the franchise. I will not trouble you with authority, though I believe there is no text-book on the British Constitution where variety of suffrage is not laid down as the great distinguishing principle which always guided the British Constitution. For an illustration I will take the case adopted the other night by the Solicitor General as an illustration. The hon. and learned Gentleman took the case of an animated controversy between two great cities—Liverpool and Manchester, for instance—and he said that an individual interested in Manchester wants a representative having the interest of that town at heart, and who may be relied on as a sure partisan against the local dues of Liverpool. On the other hand, a person interested in Liverpool wants a Member on whom he can rely to defend those local dues. The law gives to each of these towns exactly such representatives at the present time, but mark what it does besides. It gives to each of them, by virtue of his town property, a right, through the county franchise, to the services of other Members not interested only on the one side or the other to take an extreme view, but having a combined interest, and ready to join in the controversy as mediators and moderators, with a view to bring it to a conclusion satisfactory to both parties. That is the operation of the present mixed franchise; for the electors of Liverpool and Manchester are also, in some instances, electors for the great county in which they reside, and have the double advantage of commanding the services of both classes of representatives. I will pass from this point to the consideration of what is, after all, the great distinguishing character of this House of Commons as contrasted with every other representative assembly in the world. Is it not this, that more than any other assembly, the Members of this House act as they are elected, not to serve in any narrow or exclusive sense, only for the particular electors whom it is their happiness and privilege to represent, but also, in a more extended and comprehensive spirit, to have a regard for the great and important interests of the nation at large? To what is to be ascribed this peculiarity? Is it a matter of accident? Does it arise from something peculiar in our soil and climate, or is it not more reasonable to trace it to that which I have shown to be the distinguishing characteristic of our electoral system—namely, that you have not uniformity of suffrage, but by a happy diversity each class of the community is interested in the election of the different Members. By this means you derive a community of interest, and thereby have avoided those conflicts and exasperations of rival interests which have brought to an end the power and deliberations of other similar assemblies? Let me ask you to consider the effect of this with respect to the other House of Parliament. I will not go over the argument so ably stated by others, that if you have identity of principles in one respect for your elections, you will soon have it in other respects; that is to say, that if you make electoral districts, all the electors in which have the same franchise, you will soon have a demand that these electoral districts should be equalized, and that the franchise should descend to a lower amount, until at last it becomes universal suffrage. If you import any great principle into the British constitution, depend upon it that principle will not be dead and inert, but will be a vital and germinating principle pervading into all parts. I want to bring this consideration to bear upon the position of the House of Lords in our constitution. At present that assembly appears not only to suffer no diminution of authority as time goes on, but I believe from a combination of various causes, from the respect for legal history and especially from the daily-increasing feeling in these modern times of the great value of that institution in our country, the respect for the House of Lords is constantly augmenting. This will continue as long as the present principle of diversity exists in our constitution. But suppose that you establish the principle that the votes of the electoral body shall be exactly the same, that equality shall be the rule, and hereafter that the suffrage shall be universal, can you believe that the same amount of respect will continue to exist for the other House? Will the hereditary rights of an assembly which exercises an equal voice with the elective assembly of the people continue to be recognized and sustained? If you compare the history of this country with the history of other countries you will observe that, though liberty has been desired, equality never has by the people of this country. Equality rather than freedom is desired by other people; and my belief is that wherever there is equality you will never have freedom, and wherever there is freedom it will not exhibit itself under the aspect of equality. Holding these opinions I do not understand why we should go into Committee on the Bill. If we hold that the practical tendency of the clauses of the Bill as they stand will be to narrow the franchise of the counties, by taking away a portion of the community who are now not associated with the territorial proprietors, but furnish a rival though friendly influence,—if we believe that by enabling the land of the country to be divided into £10 tenements, another class will be added to the constituency far less independent, and rendering the counties much more impressed by nomination than by popular opinion, is it our duty to vote for the Bill? If, again, we find that the alterations to be made in the borough franchise offer facilities for that manufacture of votes which used to take place before 1832, when residence, after having been for some time repealed by Act of Parliament, was again enacted, ought we to vote for the second reading of a Bill the tendency of which is to increase influence in counties and corruption in boroughs? If we take the principle of the Bill to be what its authors have declared—namely, identity of franchise—then I say that identity of franchise is a principle wholly foreign to the British constitution, unknown in our history, dangerous to the utmost extent in its probable consequences and effects, and that on the second reading I am prepared to give a negative to that principle. If, on the contrary, I collect the principle of the Bill from the details of the clauses, and if I find that instead of extending popular election, so far as I can understand those clauses, it will tend to diminish it, by another process of reasoning I arrive at the same conclusion, that I ought not to support the second reading of such a Bill. I am told, however, that if we reject the Bill upon the second reading, or support a Resolution which has the effect of declaring what are the principles to which we intend to give effect in Committee, we are doing what is incompatible with the honour of the Government. Well, I have no desire to do more than the simple duty of a representative in expressing my honest convictions by the vote I am going to give. I believe that the Resolution before the House points to an alteration in the county franchise, and also to the borough franchise in such a manner as to mark the principle of uniformity as a principle which it intends to censure and condemn. I do not know that the honour of the Government ought to be an irresistible reason to induce me not to vote against the second reading of the Bill, for if we are to consider the honour of the Government, the honour and independence of every Member of Parliament are also to be considered. I first heard from the noble Secretary of State for India that we were about to act inconsistently with the honour of the Government. Well, Sir, I say unfeignedly that I listened with the greatest attention, and with a desire to be convinced by the closeness of his reasoning and the force of his illustrations, to all that fell from the noble Lord; but I pay even more attention to the example of the noble Lord's conduct than to the force of his reasoning, and I observe that when a Bill, the principle of which he cannot honestly support, is proposed by the Government of which he is a Member, he does not think it necessary to vote for the second reading of that measure. I find that, when a Bill was brought forward which the Government in its collective capacity did not think it right to support, the noble Lord considered that there was something superior to the honour of the Government, and gave effect to the sincerity and independence of his convictions by voting for the second reading. Now, with great deference, I propose to take a similar course on this occasion. Believing this to be a question of principle, and that it is only as a question of principle that we can deal with it, I intend to give my vote in favour of a Resolution which very exactly expresses the opinions I entertain. Then I am told by my hon. Friend who has just sat down, that the uniformity of franchise is a principle which can be dealt with in Committee: but I really did not collect from my hon. Friend's speech that there was any proposition of principle, or any one detail, or any aggregate of propositions in detail, that could be taken to represent the principle of the Bill. So far as I know, we may go into Committee on a Bill framed to narrow freedom of representation both in counties and boroughs, and make it a measure more extensive in its increase of popular influence than anybody on either side of the House has ever ventured to suggest. But is that the mode in which the House of Commons deals with grave and important subjects? Has the House ever before heard of going into Committee upon a Bill without knowing the end or object, the scope or purpose, of the inquiry? My right hon. Friend behind me (Mr. Horsman)—an experienced Member of Parliament, who has sat for twenty-three years in this House—told us that we on this side were so powerful we could do anything we liked with the Bill when we got into Committee. Now, although I can't quite compete with the right hon. Gentleman in point of experience in this House, I am old enough to know that if I vote for the second reading of a Bill which has objects opposed to those which I desire to see accomplished, if that Bill goes into Committee, and if we are there joined by hon. Gentlemen who, like my right hon. Friend, tell us at one moment that we are so powerful we can do anything we like, and the next that we are so powerless it is wonderful if we can keep our unanimity for twenty-four hours, and who say that the Resolution does not half express their dislike and abhorrence of the Bill, it is impossible to foresee the result at which the Committee will arrive. My belief is that we cannot consistently with our convictions, consistently with the usual course of proceeding in this House, and consistently with our duty, give a vote for the second reading of the Bill as it now stands. I think we are bound to take care that we have securities that there shall not be that alteration of the county franchise, or that dealing with the boroughs, which is proposed by this Bill; and, as I believe that the Resolution, if it is carried, gives us those securities, I shall vote in its favour: the responsibility of the defeat of the Bill by Resolution will rest upon those who, in the name of Reform, have brought forward a Bill that is not a measure of Reform. Sir, there is a principle—a mode of policy—which has been called "Liberal" Conservatism. It is Liberal because it is Conservative, and Conservative because it is Liberal. When any exigency has arisen such a policy has dealt with that exigency, and, having satisfied claims, and removed all causes of dissatisfaction from the public mind, it has given security against extreme demands. Therefore it is both a Liberal and a Conservative policy: but there is a policy which is neither Liberal nor Conservative. That is a policy which, when a public exigency has arisen, affects to deal with that exigency, and does not deal with it, but dissatisfies the reasonable expectations of a temperate people, and thereby tends to create demands which would otherwise never have arisen—demands like those of which Mr. Burke spoke when he said, that "an early Reform Bill was an honourable arrangement with an opposing power, and a late Reform Bill was a dishonourable capitulation with a conquering enemy." It is because I desire to avoid the danger of this latter policy, because I desire to carry into effect a policy which is truly Liberal and truly Conservative, that I shall give my vote for this Resolution, trusting the result may be that we may carry a measure of Reform which will be an honour to the Parliament that passes it, and a security for the wisdom and temperance of Parliaments to come.

MR. DRUMMOND: It is a great misfortune for ourselves, and for the measure we are discussing, that we all seem to be mystified and at cross-purposes, scarcely any one knowing whether he is speaking upon a principle or a detail, or knowing whether there is a principle or a detail in the Bill. The right hon. Gentleman who has just sat down asks why this Bill was introduced? Why, because it was forced upon the Government, and the Government brought in the Bill to keep themselves in office. And now, what is the Opposition on the other side? It is a triangular duel, and the question is which one of these noble Lords is to be the head of Her Majesty's Government, pledged to the consideration of this subject of Reform. There are many hon. Gentlemen in this House who take to themselves, upon all occasions, the character of being independent Members; but somehow I never see that these independent Members act in any other way than the dependent Members. I do not understand why, upon this occasion, they are obliged to range themselves on the side of one or other of these combatants, instead of taking and independent line. With every word that has fallen from the right hon. Gentleman (Mr. Cardwell) I entirely agree; but I will not vote in favour of a Resolution when the intention is that I shall do something else. When the Bill gets into Committee I shall certainly support the noble Lord; but that is not now the question. The question is, the second reading of a Reform Bill, and I cannot understand how the minds of acute men can be puzzled, as they confess they are, to find out the principle of the Bill. It seems to me that there can be but one principle involved in any Reform Bill. Such a measure should consist of three parts—first, an extension of the franchise; secondly, the disfranchisement of some places which have Members; and thirdly, the giving Members to towns which now have none. That is the whole story. Whether you extend the franchise to £10 householders or create universal suffrage; whether you disfranchise thirteen or thirty boroughs; whether you give ten or twenty Members to places before unrepresented—all these are mere questions of degree. They are points to be considered in Committee, and have nothing to do with the principle of the Bill. Many years ago, as soon as ever the last Reform Bill passed, of which I was never an idolater, I said that you cannot put any limit to the franchise. I have read all the speeches which have been made on the subject, and I cannot see where you are to stop. I do not care about the slang words from the hustings about household suffrage, rating suffrage, manhood suffrage, universal suffrage, and all the rest of it. I suppose they are all intended in some way or other to insure the identity of the voter, and that is the point to be attended to. As to the ballot, nothing shall ever induce me to support secret voting; but, I do believe that if you extend the suffrage so as to admit the working classes, as you call them, the ballot will be necessary for their own sakes—not to protect them against their masters, still less to guard against that absurd chimera of landlords driving their tenants like so many sheep to the poll—but to protect them against their unions and men of their own body. I confess I think that in itself there is nothing necessarily revolutionary in any extension of the suffrage, and I do not see much difference, except in degree, between the Government Bill and that which has been published by the hon. Member for Birmingham. One is a little shilling, the other a big sixpence, that is all. One great fallacy, which has often been alluded to in debate, pervades them both. You think you secure a great thing if you can combine numbers and property. But do you combine them? Take 50,000 voters paying a certain amount of taxes per annum. Do you call that a union of property and population? You know very well that the "Upper ten thousand" will pay the whole of this taxation, while the rest will not contribute a single sou. Yet, the labourers whom you enfranchise will have the whole of the political power of the country in their hands. I find no fault with the hon. Member (Mr. Bright) for this. He intends that they should have this power. But how can hon. Gentlemen, who see what his object is, do the very things which he wants them to do? As far as this debate has gone it has been the making of the hon. Member for Birmingham. He has nothing to do now but to sit still, and in five years you will all of you have swallowed his Bill. You will make a great many wry faces, perhaps; but I say, if you do not take means to prevent it, you will eat your leek. It may be bad for your digestion, but you will eat it. This equality of franchise in the boroughs and towns I look upon as a most evil measure. It is, in fact, electoral districts; it does not lead to them, but there they are; and the only difference between those which the hon. Member (Mr. Bright) would establish and those set up in the Bill is, that in the one case they would be equal, and in the other unequal in size. The hon. Member last night taunted the country Gentlemen with being afraid of the people; and pointing to Mr. Crossley and another Gentleman, he said, "These men know more of the working classes than you do." Well, I am no more afraid of one man than of another; but in point of fact, are we not all afraid of one another? When a manufacturer appoints one of his workmen as overseer does he not take security? ["No!"] But he does, though, if there is any possibility that the man may rob him. Then suppose he has got a house to let. Does he let it to any one who may come along without inquiring whether his rent is likely to be safe? What is the whole of our social system founded upon? What is the design of all our laws but to protect us from each other? I do not distrust working men more than any other men, but if one class gets power over all the property in the country, and is able to transfer taxes from its own shoulders to other people's, do you suppose it will not use that power? Of course it will. So should I. So would every one of you, however shocked you now may be at the notion. Suppose half-a-dozen of you were travelling through a desert, and one only of the number had got a good camel load of provisions, do you think the remaining five would not soon get a share? Of course they would. Now to talk of transferring taxes from one class to another sounds vastly well. To ignorant benevolence it seems a great thing to make the rich only pay taxes and the poor pay nothing. But this is a fallacy shameful to those who use it. They ought to know very well that there can be no employment of labour save from the acquisition of capital, and that the thing to encourage for the benefit of the poor themselves is this very accumulation of capital. The hon. Member (Mr. Bright) said that when there was a proposal for the repeal of the Malt tax we on this (the Ministerial) side of the House would not allow it. Why, the fact was just the reverse. It was hon. Gentlemen opposite who refused to let the tax be abolished. So much for that subject. Then he declared that the great strength and power and glory of this country lay in the intelligence of the manufacturing population, as contrasted with our Bœotian stupidity in the country. See, he said, how we beat all the other manufacturers in the world! Well, this is not true. There is not a single manufacture which is not better in foreign countries than in England. Oh, of course such a sound was never heard in Manchester or Birmingham. In spite of all your Arkwrights, all your spinning-jennies and looms, you cannot turn out such muslin as is made by the native Hindoos. Then your linen is worse in England than in Scotland, worse in Scotland than in Ireland; but the best of all comes from Holland and Silesia. Your cloth is inferior to that of France and Belgium. Your ships are inferior to the French and American vessels. ["No."] Where do you get your ships from then? Why the best you have had were taken during the last war, and when you tried to lay down others on the same lines in this country you could not do it. In glass you were beaten at the Exhibition of 1851 by America, Venice, Spain, and Bohemia. Your swords are not equal to those made at Valenciennes. Your best printing machines, we are told by the hon. Member (Mr. Bright), all come from America. Your railways are worse constructed and worse managed than those in France, Belgium, or Switzerland. Neither your china nor your pottery is to be compared with that of Dresden, Berlin, or Sèvres. Let me now speak to you of the agriculturists of this country, whom you seem to suppose you have left so far behind. We know more of the country gentlemen than you do. Let me tell you, then, what they have done for you. There are in England 20,000,000 of inhabitants; in France 35,000,000. Now, the agriculturists of England raise 18,000,000 of cattle per annum, while the French raise only 10,000,000. I do not take those figures from an English source. I am quoting from the *Reforme Agricole.* We raise 60,000,000 of sheep per annum; France only 32,000,000. The produce of England is at the rate of twenty hectolitres, that of France at the rate of ten hectolitres per acre. What is the result? That while each person in England consumes on an average half a two-year old ox and three sheep per annum, only one-third of an ox per head is consumed in France, and not one sheep. England is superior to any other nation in the world in this respect, and to what is that circumstance to be attributed? To the skill, the science, and the energy of the country gentlemen and the farmer. But to return to the Bill. The hon. Gentleman the Member for Birmingham last night made the most extraordinary statement—that the manufacturers were Conservatives, and that he himself was a very great Conservative; but no one seemed to agree with him. The noble Lord the Member for the City of London did not agree with him. The hon. and learned Member for Sheffield did not agree with him. In fact, he had but one follower upon those benches. It is very true, as has been stated by an hon. Member, that the last Reform Bill involved a struggle for power between two parties. This Bill also is said to be a struggle for power. There is a sort of triangular duel being carried on. The hon. Member for Birmingham tells you plainly what the class is to which he will give power if you only play into his hands. The hon. Gentleman has no doubt been a visitor at the seaside, and has seen wave after wave making for the shore. First one wave rolls along, then another; but has he, let me ask him, ever seen any one reaching the end? No! One takes the place of the other, and gets beyond it. So it is in the sea of political life, and unless you take care what you do with this Bill, you may have cause to regret the consequences. For my own part, I think Her Majesty's Government displayed a great want of judgment and firmness in allowing themselves to be provoked by anybody into introducing it into this House. The noble Lord the Member for London is a great authority on this subject. It is, however, impossible for him or for a Member of any party to bring in a measure with respect to it which will not be distasteful to the other. Every man and every party must be content, therefore, to take the bitters as well as the sweets of their position. We are asked to give those who propose a scheme of this sort a fair and deliberate hearing; but you know perfectly well you will do neither the one nor the other. There was but one way of dealing with this question satisfactorily, and that was by Resolution. You might by that means succeed in ascertaining what kind of proposal the House would be likely to sanction. That would be a step in advance; but after all this discussion, I, for one, am at a loss to know what two hon. Members are of the same mind upon the question of Reform.

Mr. DENT said, he had listened with attention to the speeches coming from the other side of the House, and he had been surprised to find that many hon. Members who had expressed their want of concurrence in the Bill had nevertheless stated that they would vote against the Resolution. The main ground of defence of the Bill put forward by Her Majesty's Government was, that it would act as a barrier against that "ugly rush" of which some hon. Members appeared to be afraid. He believed that the Bill would be ineffectual to check any call for real Reform. Its provisions went simply to calling into existence a class of voters who would be greatly under the control of the country gentlemen, while by its insidiously disqualifying the 40*s.* freeholders, intended to remove a most valuable class from the representation. He was not one who would sweep away the old boroughs, but the way the Bill dealt with them was very dangerous. The use of voting papers he thought would lead to enormous corruption. The measure in all respects was most faulty. He wished to know who were the persons by whom an extension of the franchise was required? Certainly not by the Members of that House, but by the hardworking people of England, for whom it was no very easy task to raise themselves up to that standard which the right hon. Gentleman the Secretary for the Colonies would establish as the test of their fitness, for the exercise of the franchise. He regretted, therefore, that any Bill should be introduced under the guise of a Reform Bill, which was in reality but a sham, and had been stigmatized as such by the country.

Mr. PACKE said, he must protest against the assumption made with such arrogance by the hon. Gentlemen below the Opposition gangway, that they were the only friends of the working classes, and possessed a monopoly of the knowledge of them. He had some acquaintance with the working classes of the town of Leicester, and there did not, he believed, exist a more loyal or a more contented body of men. The hon. Gentleman the Member for Birmingham took upon himself to proclaim that he was the champion of the working classes; he boasted of having given them their bread; but on every one occasion on which the question of bettering the working classes had come on for discussion, the hon. Gentleman invariably voted against them. When his late hon. Colleague (Sir Henry Halford) introduced a measure to give a man a fair day's wages for a fair day's work, the hon. Member voted against it. It was, however, much to the honour of the hon. Gentleman the Member for Leicester (Mr. Biggs), himself a manufacturer, that he had done everything to improve the working classes. When the Factory Act was introduced, for protecting young people below the age of eighteen, and women from excessive labour, the hon. Gentleman opposed it, and he acted in the same manner to the Bill for doing away with the truck system, which he opposed, not only with his vote, but his voice. These were not the acts of a real friend of the working classes. It was not pretended that the very Bill before the House did not give some advantage to the working classes—this Bill, too, was now opposed by the hon. Member. Taking the information which present circumstances afforded, he must say that he did not think the working classes valued the suffrage so highly as it was the fashion with some hon. Gentlemen to represent; certainly in the cases of those boroughs where a large portion of the voters were of that class, many of them did not take the trouble to record their votes. He found that 11,000 of the electors of Marylebone had abstained from voting at the last election; and at the last election for the Tower Hamlets 10,000 persons on the Parliamentary Register gave no vote. The hon. Member for Oldham (Mr. Fox) claimed for the working classes the right to a vote because they paid taxes, but did not the Members of the House of Lords pay taxes, and yet they were not allowed to vote for Members of Parliament? The savings' bank franchise had been sneered at, but he believed it would prove most beneficial. It was of the highest importance to inculcate habits of prudence and forethought, and in his own neighbourhood he had been in the habit of assisting, so far as his humble means extended, those persons who had shown their thrift and carefulness by placing money in a savings' bank. The hon. Member for East Surrey (Mr. Locke King) had expressed himself grateful to the Government for having lowered the county franchise, but he would have much better shown his gratitude if he had also expressed his intention to vote for the Government. He could not admit that boroughs formed parts of counties, as had been stated by the hon. Member for East Sussex (Mr. Dodson). Their affairs were wholly distinct; their rates, their police were independent of each other, and why should they not be distinct in representation? The noble Lord the Member for London (Lord John Russell) had declined to tell them what he intended to do if he succeeded in defeating the measure of the Government, but the hon. Member for Birmingham had not been so coy. He found from the Bill which the noble Lord brought in in 1852 that he did not intend totally to disfranchise any boroughs. That measure was withdrawn. By his Bill of 1854 he proposed to disfranchise nineteen boroughs entirely, and cut off one Member from thirty-three boroughs, returning two. That was the last account of what the noble Lord might be expected to do in the way of Reform. But he had on good authority a description of the Reform Bill of the hon. Member for Birmingham; it was published by the London Parliamentary Reform Committee. It remained to be seen how far the hon. Member and the noble Lord were prepared to go together. The Bill of the hon. Member proposed to disfranchise eighty boroughs entirely, and to deprive sixty-eight boroughs of one Member. Many hon. Gentlemen would have to consider how such a Bill would be approved by their constituents. He contended that there were no perilous innovations in the Government Bill. His right hon. Friend proposed that £10 freeholders should vote for towns. What was there of innovation in that? It was absurd to say so. At the commencement of the debate the noble Lord the Member for London, with that fondness for precedent which he so often displayed, carried them back 400 years, to the time of Henry VI., and took to task the Chancellor of the Exchequer for the manner in which he dealt with the freeholders. But the Reform Bill of 1832, whether right or wrong he would not say, set the example of dealing with all those ancient rights of voting, and extinguished the votes of the potwallopers and a large number of the freemen. The noble Lord, also, in 1829, voted for the extinction of 200,000 40*s*. freeholders in Ireland. It was, therefore, strange that he should taunt his right hon. Friend the Chancellor of the Exchequer, who proposed so harmless and comparatively unimportant a provision. He would give no opinion upon the details of the measure; the proper place to do that would be in Committee, the use of which they were now in the present discussion doing away with. They were doing nothing more or less than discussing *seriatim* the several clauses of the Bill, which they ought not to do until Mr. Speaker left the chair. What he would affirm by voting for the second reading was an amendment in the representation of the people. He would vote against the Resolution of the noble Lord.

LORD HARRY VANE said, it was rather a remarkable thing that not a single hon. Member who had addressed them, except the Members of the Government, had said one word in defence of the Bill itself. There were various reasons urged against the Resolution and in favour of going into Committee; but not one word from any independent Member on either side of the House in approval of the provisions of the measure. They had had an able and conciliatory speech from the hon. Baronet the Secretary of the Treasury (Sir S. Northcote), which was in remarkable contrast with those of the Secretary for India and of the Secretary for the Colonies. The speech of the Secretary to the Treasury was, no doubt, very conciliatory and full of promises that in Committee the Government would consent to as many alterations as the Opposition side of the House might propose; but the misfortune was that the hon. Gentleman was not a Member of the Cabinet. He had, no doubt, been sent forth as a pioneer by the Cabinet. But, assuming that the hon. Gentleman had given expression to the real intentions of the Cabinet, the result was this, that the Government was ready, if the House would only let them get into Committee, to change the provisions of the Bill in almost any imaginable particular—the identity of franchise they would not insist upon; the paper voting they would not pertinaciously adhere to; and as regarded freeholders, they were also willing to give way. The Government was willing to adopt any and all suggestions, come from what quarter they might. The right hon. Gentleman the Member for Stroud (Mr. Horsman) seemed equally desirous of getting into Committee; but he (Lord Harry Vane) owned for his own part, he did not think this exactly the way to proceed upon a great question like this, and would be glad to see some principles indicated by the Government, upon which they meant to proceed and to which they meant to adhere. The vice of the present state of things was the manner in which Reform came to be taken up by the Cabinet. The right hon. Gentleman the Member for Cambridge University (Mr. Walpole), and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), said that when they joined the Cabinet they expressed their convictions that the Government must take up the question of Reform, but they had seceded from the Ministry, because they could not agree to the measure before the House. Another vice in the present state of things was that, from their antecedents, any measure which the present Government brought must be regarded with suspicion. It was impossible to forget the past. The fact was, the Government relied upon hon. Gentlemen on his (Lord Harry Vane's) side of the House agreeing generally to the Bill, because the proposal of his hon. Friend the Member for East Surrey had from time to time found favour with them; and, indeed, he could not understand the dissent expressed by his right hon. Friend the Member for Halifax (Sir Charles Wood) to the £10 franchise after what took place in 1854. He quite agreed that it was most desirable to have this question settled, and settled at once. It would seem from the observations of the hon. Member for Birmingham (Mr. Bright) last night, as to the unseasonableness of bringing in a Reform Bill when food was cheap, when employment was general, and the country prosperous, that that hon. Gentleman did not desire a settlement of this question this year; but he (Lord Harry Vane) hoped that by passing a Reform Bill this Session the hon. Gentleman would be prevented from entering on an autumn campaign on Reform. This question should be settled, not only speedily, but, as far as possible, satisfactorily, in order to save the country for many years to come from renewed discussions on Reform. He did not, however, dream of the possibility of such a thing as finality in Reform. There was no reason why the House should shrink from the prospect of an extension of the suffrage; but he confessed he did think it right to retain the difference between the town and the country. When the hon. Gentleman (Mr. Bright) spoke last night he (Lord Harry Vane) recognized the part of the country which his opinion represented—the West Riding of Yorkshire, Cheshire, and Lancashire. In these hives of industry it was very difficult to say where the boroughs ended and the country began. The right hon. Gentleman the Member for North Wiltshire (Mr. Sydney Herbert) knowing more of the wilds of Salisbury plain, was more ready to recognise that difference. Still he (Lord Harry Vane) thought it would be unwise to abolish the distinction. That distinction was recognized in our electoral system, and without showing any superstitious veneration for old associations they ought not rudely to sever it from the past. The late Earl Grey, in 1797, proposed a very exclusive scheme of Reform. He recommended that the county Members should be increased from 80 or 90 to 113, and that they should be elected by both freeholders and leaseholders. He also proposed that electoral districts should be formed on a compound ratio of area and population; but Earl Grey himself did not propose that this distinction should be removed. He (Lord Harry Vane) thought it would be the greatest misfortune for this country if a disruption should take place between the towns and boroughs; but he thought their separate character ought to be maintained, although there were many *quasi* towns in the midst of the country, and many counties which had a mixed urban and rural character. He thought the freeholders in towns had given a character of independence to the county constituencies which he should be sorry to see altered. He had, therefore, regretted to find that one of the principles of the Bill was to withhold from freeholders in boroughs the right of suffrage in the counties; but he understood from the able speech of the Secretary to the Treasury that evening that that part of the measure would not be persevered in. He must say he thought it would be a great misfortune to draw too widely the line between the working and the middle classes. But an undue distrust of those classes seemed to have dictated the Government proposal of an identity of suffrage and their refusal to lower the franchise in boroughs below £10. He should be extremely sorry to see any measure supported and passed in that House which would have the effect of withdrawing their due preponderance of power from the middle classes. But he could not believe that any such result would be the effect of granting the suffrage to the working class; nor did he think the middle classes entertained any fear of such a consequence. In 1848 the working classes of this country had conducted themselves in the most loyal and exemplary manner in the midst of the general perturbation of the Continent; and since that period their condition, material, moral, and intellectual, had greatly improved. They were therefore fitted to receive some extension of political rights; but this Bill would accomplish that object to a very infinitessimal extent, and in a very indirect manner. The Secretary of the Treasury had given the House that night the number of persons who would be entitled to have the benefit of the elective franchise by the savings' bank deposits; but he (Lord Harry Vane) believed it was impossible to form any accurate estimate of their number. He thought this would turn out to be only an apparent concession. At any rate, it did not strike the imagination, and therefore it did not bear a satisfactory character as a measure of reform; and it was necessary to satisfy such a mass of opinion as that an elective system might be built upon a firm foundation. Some objections had been raised to the Resolution of his noble Friend; but what his noble Friend had done was, in the absence of any declaration of principle on the part of the Government, to state some clear and decisive grounds upon which a measure of reform ought to be based. It seemed to him, therefore, a fair proceeding that the noble Lord, so long connected with reform as he had been, should object to the Bill which was thus deficient of what he considered to be its essential elements. "Circumstances," said Lord Plunket, "are wholly changed. Formerly reform came to our doors as a felon to be resisted; it now approaches us as a creditor; you admit its just claims, and only dispute about the time and the instalments by which it is to be paid." They ought to proceed with the Reform Bill this Session in a manner to be acceptable, and he believed that nothing could be acceptable that did not give an extension of the suffrage. The Government admitted that they came into power with a minority, and that they had no very great relish for dealing with this question. They need not, therefore, be prevented by any mere punctilio such as assigned by the noble Lord the Minister for India from accepting a declaratory Resolution like the one under discussion. If they would alter or withdraw their present measure, and bring in another more in accordance with the requirements of the case, no doubt the House would be ready to give it their best attention. He (Lord Harry Vane) could not profess that attachment to the small boroughs which had been expressed by the right hon. Gentleman the Member for Cambridge University. Even that right hon. Gentleman allowed that the principle of reform in this regard must be carried out to some extent, and in this respect he did not agree with the right hon. Gentleman the Member for North Wiltshire, who had said that one of the results of this Bill would be to break the neck of disfranchisement. The changing circumstances of population rendered it necessary that from time to time some towns should be disfranchised, and their Members transferred to others which had risen into importance. This disfranchisement must take place on fixed and settled principles, and should have reference either to taxation or population. He would prefer the removal of only one Member to the entire disfranchisement of a borough. The hon. Member for Devonport (Mr. Wilson) had drawn a distinction between nomination boroughs and upper small boroughs, but in point of fact there was no distinction between them. It did not follow that because a large proprietor lived in the neighbourhood of a small constituency it was consequently a nomination borough. He wished Government had dealt more comprehensively with the subject. He did not think it was Conservative on their part to add a large number of voters to the county lists, and thus establish an identity of suffrage; he did not think it wise to create an immense mass of voters in one place. If, by adding to the county constituency, they rendered that constituency a general and not a class constituency—a fair representation of the whole country, then he was willing to admit the counties were entitled to an increase in their numerical representation. Government, however, did not pursue that course. That was a fault. He wished the Government had given a larger measure, because he had no doubt the present Bill would only be regarded as an instalment. He should support the Resolution of the noble Lord, in the conviction that it was absolutely necessary to indicate precisely the principles they entertained on this question.

MR. STUART WORTLEY said, that although seldom venturing to take a share in these great party struggles, he felt that, as he had, on the urgent request of many hon. Gentlemen who agreed with him, placed on the books the form of a Resolution which he proposed to move in the event of the success of the noble Lord's Amendment, some explanation of his purpose and views was due to the House. He regretted to hear from the conclusion of the speech just delivered, that he and the noble Lord were not about to vote on the same side, for in one point at least he agreed with him, that it was desirable that some settlement should be made of this great and embarrassing question. But to vote for the Amendment of the noble Lord the Member for the city would be to prevent any settlement; while to vote for the second reading of the Bill was to embrace the only opportunity which offered of effecting that settlement. In the present position the House had two alternatives—either to vote for the second reading, or by adopting the Resolution to vote in substance, though not in form, against the second reading. If the Bill were read a second time, it would be open to Amendments, and it was not for him to foretell how far modifications might be carried, but who doubted that the Amendment was intended to defeat the Bill, or that in all probability it would have that effect? He trusted, however, that they were not to understand literally the declaration of the Secretary of State of India, that if the Amendment were carried the Government would throw up the Bill, retire from office, or appeal to the country. Before taking that course he hoped the Government would hesitate and reflect on its dangers. At least it was the intention of the noble Lord's followers, by voting for the Amendment, to defeat this Bill. [*Cheers.*] He expected that honest affirmative cheer, and he congratulated the House upon that frank avowal of the meaning of the Amendment; but the noble Lord himself had not avowed that it was his intention to defeat the Bill, or he would have moved its rejection in the ordinary way. The noble Lord said, "I dare not vote against the second reading of the Bill, lest I should be supposed to oppose all that is good in the Bill." Then, there was some good in the Bill. These two alternatives alone, therefore, were at present open to the House; but many hon. Gentlemen agreed with him that there was a third—to treat this Bill in a perfectly constitutional way, dealing with its principle now and its details in Committee. There were those who thought with him that it would be more respectful to the Crown after all that had passed ["Oh! oh!"]—for the time had not yet come when the influence of the Crown was not to be treated with derision—that, after the subject of Parliamentary Reform had been thrice recommended to the attention of Parliament in the speech of the Throne, the House should give to the subject that "calm, dispassionate, and impartial consideration" to which it had pledged itself, scarcely a month ago, in the address in answer to Her Majesty's speech, instead of making it the stalking-horse of a great party struggle. That pledge the House might redeem, at the same time stating the objections which it entertained to features of the Bill which constituted part of its principle, though by no means its whole principle. That was the object with which he had placed his Amendment on the paper. If any Resolution at all were to be passed, nothing could be more constitutional than to declare—

"That while this House, having, at the opening of the present Session of Parliament, in answer to Her Majesty's most gracious Speech from the Throne, assured Her Majesty that they would give to the great subject of the state of the laws which regulate the representation of the people in Parliament that degree of calm and impartial consideration which is proportionate to the magnitude of the interests involved in the result of their discussions, they will without delay proceed to the consideration of the measures laid before them by Her Majesty's responsible advisers; but that this House is of opinion that no settlement of this question will be acceptable to the people, or enduring in its character, which does not provide, either by modifying the present Bill in Committee or otherwise, for maintaining the constitutional distinction between the county and borough suffrages, for the preservation of the freehold franchises hitherto exercised in the counties of England and Wales, and for a more extensive right of voting therein, as well as for a re-adjustment of the suffrage, and its wider extension, in cities and boroughs, than is contemplated in the present Bill."

That was his Resolution, and though the forms of the House would not allow it to be put into competition with the noble Lord's Resolution at present, if the noble Lord succeeded in placing his Amendment in the position of the main question, he should feel it his duty to move this Resolution as an Amendment to it. He trusted, however, that the necessity would not arise. He should rejoice if the noble Lord's Resolution were negatived, of which he saw some signs. [*Laughter.*] Hon. Members opposite might cover their apprehensions with a smile, but the course of the debate, and, more than that, the course of conversation in the lobbies—the familiar intercommunion between men, betrayed a general impression that the adoption of this Resolution would defeat the settlement of the question, and involve great dangers. He had been rather startled to hear from the declaration of the Chancellor of the Exchequer in introducing the Bill, confirmed to some extent by the language of the Secretary for India, that identity of the county and borough franchise was the principle of the Bill. He was not astonished at the skill of the noble Lord (the Member for the City) in saying, on that declaration, that it was evident that he was not really of that opinion, or to be consistent he must have proposed throwing out the Bill by the ordinary Amendment of proposing to read it that day six months. The right hon. Gentleman the Chancellor of the Exchequer might give what interpretation he pleased, but his belief was, that ninety-nine persons out of every hundred would read the Bill without ever guessing that that was its principle. There was nothing in the preamble to indicate that identity of franchise was the principle; and, so far from the first clause disclosing it, the first clause contained the enumeration of eleven franchises of different descriptions. He admitted that a particular expression made them applicable to counties and boroughs, but why were they to conclude that that word was necessary to the principle of the Bill? The principle was glaring on the face of it—namely, adjustment of the representation of the people, an enlargement of the franchise. Whether it was done efficiently or sufficiently, or in a manner which the House would approve, was a totally different question. He shared the opinion of the right hon. Gentleman the Member for the University of Cambridge, and he believed of a majority of the House, in thinking that identity of franchise, instead of being a happy innovation, as represented by the Chancellor of the Exchequer, was a bad feature; but a feature in a Bill did not constitute its principle. That being the case, what was to prevent their reading the Bill a second time and proceeding to amend it in Committee? The objection he entertained to the noble Lord's Resolution was, that it professed one thing and did another. It professed not to destroy the Bill, but it would have that effect. As was pointed out by his hon. and learned Friend the Solicitor General, if they construed the Amendment logically it admitted the principle of the Bill, and worse, it admitted the principle of the identity of the franchise, for the noble Lord's Resolution only referred to the rights of the freeholders and the requirement of a further extension of the borough franchise. The Resolution of the noble Lord was, therefore, illogical according to his own view. The noble Lord the Member for South Durham (Lord H. Vane) said it was a remarkable thing that nobody had spoken during the debate of the merits of the Bill or of its provisions, and it was one of the inconveniences of the Amendment that their attention was diverted, and they were discussing party relations—who would next succeed to power, and in what way the Amendment would affect the Orders of the House. All these points were embarrassing, and increased the difficulties of a very difficult question. The Bill had good and bad in it. The good he would preserve, and the bad he would cut away. If there were deficiencies, as hon. Gentlemen said there were, the constitutional and Parliamentary course was to amend the Bill in Committee. The first good of the Bill in his eyes might shock the feelings of some hon. Gentlemen—namely, that from first to last it made no mention of the ballot. They had rumours in the autumn that there was to be some experiment by making the ballot voluntary. He rejoiced to find that the word did not occur in the Bill from first to last, and that there was to be no attempt to trifle with that which he considered a delusive and hateful proviso. He said hateful, because, in his conscience, he believed that if it were established it would not be established a year before it would be as unpopular in England as it was everywhere else where it had been tried. The right hon. Member for Oxfordshire (Mr. Henley), the other night remarked how painful it was to go about for a month or two wearing a mask. Establish the ballot and every man in England would wear a mask. It would destroy public morality and public responsibility, and encourage every man to deceive his neighbour and himself. The whole system of the ballot was foreign to our institutions, and abhorrent to the genius of the people; but there was positive as well as negative good in the Bill. There was the extension of the county franchise. Quite apart from giving the franchise for mere land, or for a tenement without land or house, as had been pointed out by the right hon. Gentleman (Mr. Walpole) yesterday—which he believed was a mere mistake—and setting aside the question of borough freeholders, all the copyhold franchises in the Bill of the noble Lord of 1832 were lowered from £10 to £5. Freeholds for life and leaseholds were reduced from £10 to £5. No one could deny that those were great extensions of the county franchise. He frankly avowed that he was opposed to the extension of the occupation franchise in counties from £50 to £10. He had always voted against the Motion of the hon. Member for East Surrey, considering it to be most dangerous, and he had found the noble Viscount the Member for Tiverton (Viscount Palmerston) voting with him. He thought £10 occupation in counties too low, without some equivalents; but could it be denied that it was a great extension of the franchise? With regard to the franchises in the Bill which more particularly applied to boroughs the lodger clause would widen the circle of representation, and bring in thousands of voters; and there were the annuitants—which was open to further extension in Committee—the savings' bank depositors, and the personal or professional franchises, which would bring in a great many more. Looking at these provisions, it was impossible to say that there was no extension of the franchise—it was a wilful closing of their eyes, to say that they could see no enlargement in the suffrage in the Bill. As the right hon. Gentleman the Member for Stroud (Mr. Horsman) had shown, nothing could be more easy than to render the measure as efficient as they pleased. In fact, the Bill might have been drawn on purpose to invite Amendment. All that was necessary to do would be to make the first clause, by the omission of a few lines, refer to the boroughs only; and if they then put the county franchise into the second clause, there would be an end to that principle, or rather feature of identity, which had been so much objected to. There were other things also in the Bill of which he greatly approved. There was, for instance, the proposal about voting papers. His belief was, that that would prove a substantial extension at least of an exercise of the suffrage, and that it would bring to the poll a very valuable class of electors who at present did not vote. As to the danger of fraud, he could easily understand that in parish elections, where there was no great public opinion, and where very little pains were taken to prevent improper practices, voting papers were liable to abuse; but if the suggestions of his right hon. Friend (Mr. Walpole), or some others that might be made, were adopted, there would be no reason to apprehend fraud. If any proof were wanted of the necessity for some such plan he need not only refer to the return which had just been published with regard to the borough of Marylebone, where, out of 21,000 voters, only 10,000 had polled. At the present time there were many quiet men who were kept from the exercise of their privileges by the inconveniences which they dreaded, especially in times of excitement, from their attendance at the polling-booth. Having said so much about what he considered to be good points in the Bill, he had no hesitation in adverting to its blots. First and foremost, there was the transfer of borough freeholders from the counties to the towns. He must confess that at first sight he thought this proposal would afford some equivalent to the creation of the £10 class. His first view of the proposal had naturally been coloured by the medium through which he saw it, namely, the neighbourhood in which he resided. In the West Riding the whole representation had been swamped by the £10 householders of the towns and manufacturing villages. He (Mr. S. Wortley) probably knew the West Riding as well as any one, having been mixed up in three of the greatest contests that had ever taken place in the county; but he found that the Bill itself provided against the result he apprehended. The proposed division of that county would give one purely manufacturing constituency—one purely manufacturing, and one of a mixed character. Upon the whole, therefore, he was disposed to think the right of the freeholders ought to be preserved. Another great blot in the Bill was the facility which it would afford to those disposed to violate the constitution, by the creation of fictitious votes. He greatly objected to any revival of the system of out-voters; but he did not think that voting papers necessarily implied such a revival. He now came to the most important of the defects of the measure—the limited extension of the franchise which it afforded to the working classes of this country. "Working classes" and "industrious classes" were very vague phrases: he flattered himself that he belonged to the working classes himself, and so did all those who obtained their livelihood by the exercise of their professional abilities or their mental powers. But he was now speaking of the better class of artisans, for whom he doubted whether they had done enough by the Bill. On the other hand, if they went down as low as a £6 occupancy, he doubted whether they would include the whole of this class. He felt satisfied that the working classes did not desire any measure that would make mere numbers paramount. He had recently presided over an educational meeting, consisting entirely of the working classes, at Sheffield. Politics were excluded by the rules, but the hon. Gentleman opposite was then going like a meteor throughout the country, and it was impossible to prevent a reference to the subject. He (Mr. S. Wortley), remarking that the time was come when it was desirable that they should be admitted to the franchise, expressed a hope that pains would be taken to include in the constitution worth rather than numbers—a sentiment which was received with an assent of acquiescence that satisfied him the working classes did not desire to see a predominance given to numbers alone. There was not one of his hearers who did not cheer him when he said that the drunkard and the spendthrift ought not to have the franchise. Such being the case, and granting that it was desirable to extend the franchise to the working classes, how was that end to be attained? It could not, he thought, be done by merely lowering the borough franchise; but there were no doubt means which might be adopted with success. As to what those means were, the noble Lord (Lord John Russell) had suggested none, and he both understood the meaning of his reserve and would imitate it. Still there was one plan which he would mention. The City of Coventry had a most satisfactory constituency. None had been more steady in the choice of its representatives; none more honoured by the distinction which those representatives had attained. And what was it upon which the constituency of Coventry was chiefly based? Apprenticeship. A franchise based on apprenticeship, or the receipt of a certain amount of labour, or the payment of a certain amount of taxes, would place upon the list of voters a class of skilled artisans, who would be infinitely superior to mere £10 householders. He would ask the House to reflect what must be the feelings of one of these higher class artisans—one who not only knew his own trade, but who had read much and understood the constitution of his country—what must be the feelings of a man of this class, the aggregate income of whose family might perhaps be £5 a week, but who, because his employer furnished him with a cheap house, was not allowed a vote; while a few doors off was a small ignorant shopkeeper, whose window was ornamented with tallow candles and red herrings, but who, being a ten-pounder, possessed the franchise? His right hon. Friend (Mr. Walpole) had truly stated what the practical grievances of our representative system were; namely, that there were certain great communities who were unrepresented, and certain excellent classes of our countrymen who were not allowed the franchise. He (Mr. S. Wortley) would not stop to discuss the disfranchisement clauses of the Bill. He thought the Government had acted in that clause with extreme prudence, for no measure would have a chance of passing that House which proposed to disfranchise a large number of the smaller boroughs. It was expecting too much of men not only to destroy their own seats, and at the same time to insult their constituencies. It was only in times of extreme excitement and agitation, like those of 1832, that such a thing could be done. The right hon. Gentleman (Mr. Sidney Herbert) said that the mode of proceeding by Resolution was inconvenient. Had the India Bill, then, been so unsuccessful? He believed there had never been a measure, either with regard to India or to any other of our dependencies, which had met with so general an acquiescence as that Bill; but, whether that was so or not, in the present case the House had no choice. They could not now expect any Government to command a majority. Neither the noble Lord nor any other statesman could in the present state of things hope to carry any great measure through the House by means of party. The time had now come when the real difficulty of how the Queen's Government was to be carried on was experienced. Not that he apprehended any danger would arise out of that difficulty, for he believed that the House of Commons was able to frame good measures, and that they might with confidence depend upon its ingenuity and industry; but they must not look in any part of it to find persons to form an Administration that could command a party majority. Was there anything to prevent the Government from acceding to the proposal to amend their Bill? He was happy to think, from the speech of the hon. Baronet (Sir Stafford Northcote), that there was not. At the same time he thought his right hon. Friend (Mr. Walpole) had asked the Government a little too much. He had only a right to demand that they should accept the decision of the House on the points on which he himself entertained objections to their Bill. To ask them to give a guarantee that they would accept anything to which the House agreed, was asking them to accept the ballot, or anything else to which they might entertain ever so strong an objection, provided only a majority of the House assented to it. They had taken office as the representatives of a minority, and they must therefore not expect to carry the measure exactly in the shape they wished, but they must endeavour so to modify it as to meet the views of Parliament. His object in common with that of the noble Lord was to have a settlement of this question. But if the House adopted the Resolution of the noble Lord, what would be the consequence? He could not join with hon. Gentlemen who had attributed unworthy motives to the noble Lord; on the contrary, he deeply regretted that any such imputation had been made, more especially in regard to one of the noble Lord's character and station. They might be amused for half an hour by speeches like that of the hon. Member for Dovor. It was a repartee upon imputations made on the Ministerial side of the House, but he regretted that anything of the sort had taken place. He gave the noble Lord credit for the highest and purest motives, but he could not help asking who was to give the country a Reform Bill if the present Government could not? In what part of the House could they command a majority on any question, least of all on this? Who was to be their leader? They were apt to look to the noble Viscount the Member for Tiverton. The noble Viscount had done him (Mr. S. Wortley) the honour to ask him to join his Government, and he had felt both at liberty and happy to do so, but he had felt at the same time that in his new position he should not be arrayed against his ancient friends on the question of reform. He had felt assured that the noble Viscount would propose a reasonable, sensible, Conservative Bill—using the term Conservative as contrasted with Tory. He remembered the antecedents of the noble Viscount; he had first seen him standing by the side of him whom, in his (Mr. S. Wortley's) political hero-worship, he had always looked on with the utmost veneration — namely, Mr. Canning, the great champion of our constitution. In 1832 he had seen the noble Viscount taking no part in any measure of an extensive description—he was contented with the Bill, and thought that it went quite far enough. In 1854 there was some displacement in the Cabinet. The noble Viscount separated himself for a short time from his colleagues; and it was understood that that disagreement was on the question of reform, and on the subject of the Bill which the noble Lord (Lord John Russell) had introduced. He (Mr. S. Wortley) had felt therefore satisfied that they would have from the noble Viscount's (Viscount Palmerston's) Government no violent measure of reform. But, if he did not introduce a violent measure, what hope would he now have of finding a majority? Such being the case, he (Mr. S. Wortley) hoped the noble Viscount's vote would not be recorded in favour of the Amendment. If he saw that the Motion would be destructive of the Bill, and a postponement of the settlement of the question, he trusted that the noble Viscount the Member for Tiverton would pause before he took that course. Last year a Motion of a similar kind had been made. On that occasion, unfortunately for their consistency, the hon. Gentlemen now on the Ministerial side of the House went into the same boat, not only with the right hon. Gentleman the Member for Ashton, but with the hon. Member for Birmingham and the noble Lord (Lord John Russell). The noble Viscount the hon. Member for Tiverton then sat upon the Ministerial side of the House, and he had no difficulty in describing the Amendment of the right hon. Gentleman. He said,—

> "It is idle to say that you can pass that Amendment to-day, and go back to the Bill to-morrow or on Monday. It is quite plain that if the House, after full deliberation and complete debate, shall

> prefer the Amendment of the right hon. Gentleman to the proposal that the Bill be now read a second time, but one interpretation can be put on that result."

If the noble Lord carried his Resolution there would be but one interpretation put upon the result. The object of the noble Lord was to defeat the settlement of Reform upon this occasion. [Lord JOHN RUSSELL: The settlement of Reform in this way.] Well, he was arguing there was no other way. ["Oh!"] He did not mean that there was no other scheme, but there was no other party who could settle the question. A very similar Motion was made when the noble Lord was a Minister. General Gascoigne's Motion on the Reform Bill of 1832 was not proposed on the second reading but on going into Committee, and, in a constitutional and Parliamentary sense, it was an instruction to that Committee. Now, what said Lord Althorp on that occasion? General Gascoyne wanted to indicate by his Resolution the particular point in the Bill to which he objected. Lord Althorp said he was quite sure the object of the Amendment which had been proposed was to destroy the Bill, and the noble Lord (Lord John Russell) on that occasion spoke as follows:—

> "That was a motion of Parliamentery tactics brought forward indeed by the hon. and gallant General, but concocted by more wily advisers, by which an attempt was made to bring together all the enemies of the Bill, and to entrap such of its friends as might be dupes and gulls enough to fall into the snare."

He hoped that the noble Lord would see in this passage from his own speech the condemnation of his own Motion. Had he any hope, either with or without the assistance of the hon. Member for Birmingham (Mr. Bright) that he would be able to effect the settlement of this question? As for the hon. Member for Birmingham, what hope had he? The country heard of nothing all the autumn but the hon. Member's Bill, yet so timorous was he of exposing it to the atmosphere of the House, that not even a corner of it had crept out of his pocket. It was the little mouse which had run into his pocket, and which he took care not to let escape. No man could better explain his views, or put them in a more attractive form. He had done his best to advance his project of Reform. He had been listened to; he had been judged; and the result was that the people would not have his Bill. The hon. Gentleman was proud of the title of Tribune of the People, which had been justly given to him, for he had been their active and their honest advocate. But it might be said of him, as it was said by one of the tribunes of old:—"*Sed non tanti reipublicæ fuit eloquentia Gracchorum, ut pateretur et leges.*" The country admired his eloquence and courage, they respected his honesty, but they would not have his Bill. If the Government abided by the declaration of the noble Lord (Lord Stanley) they must resign, and leave it either to the noble Lord the Member for Tiverton, or the noble Lord the Member for the City, or the hon. Member for Birmingham to form an Administration. The only other alternative was a dissolution. It was whispered in every corner that the Government had made up their minds to dissolve Parliament. No one could speak with greater freedom on that subject than the right hon. Gentleman (Mr. Walpole), whose seat was safe, and he entreated the Government if they wished to settle this question on safe principles, if they venerated the constitution, which they were placed on the Treasury benches to defend; and if they venerated those institutions, so elequently described by the Secretary for the Colonies, to pause before they ventured upon such a step as a dissolution. Let hon. Members bear in mind the year 1830. The right hon. Member for Halifax (Sir Charles Wood) would remember what a revolution there was within one week in the county of York. Henry Brougham then practising at the bar, attempted to recommend at Sheffield a measure of moderate reform without being able to excite any popular feeling; but when the French revolution occurred shortly after he was carried on the people's shoulders to the hustings and triumphantly elected as the representative of the great county of York. All was quiet now; but let not matters be pressed too far. He did not distrust the working classes, but he feared what were called masses, for amongst them there were elements of danger, which, if once let loose, the worst men then became the most powerful, and the most dangerous demagogues—not the men of stern honest ability like the hon. Member for Birmingham, but men of baser minds and less scrupulous hands,—were made the leaders of the people. There was the danger, if they once allowed the people to be excited on this subject. Let not the Government dissolve,—let no party temptation, or the belief that a threatened borough disfranchisement would add to the number of their supporters in that House, induce them to take any step that might imperil the institutions of the country.

VISCOUNT PALMERSTON: Sir, the right hon. and learned Gentleman has challenged my vote against the Motion of my noble Friend the Member for the city of London, on the ground of that which I stated upon the Motion of the right hon. Gentleman the Member for Ashton (Mr. M. Gibson), in regard to the Amendment he made to the Conspiracy Bill. I am sorry that I must disappoint the expectations of the right hon. and learned Gentleman, because, not thinking that there is any similarity whatever between the two cases, I am going to give my cordial support to the Resolution of my noble Friend. Sir, the Amendment moved by the right hon. Gentleman the Member for Ashton had nothing whatever to do with the Bill, to the second reading of which it professed to be an Amendment. It was a direct vote of censure on the Government of the day; we accepted it in the sense intended, and in the performance of our public duty we thereupon, having clearly perceived that we had lost the confidence of this House, humbly tendered to Her Majesty the resignation of our offices. The present is no vote of censure on the Government. [*Cries of* "Oh!"] It is an Amendment strictly appertaining to the subject matter of the Bill. It brings into discussion two points which were at one time stated to be fundamental principles of the Bill, but which, at all events, are leading features of it, and the discussion of which could more conveniently be taken in the manner in which my noble Friend has brought them before the House by a preliminary Amendment than if it turned on verbal alterations in Committee on the Bill. But, Sir, long as this debate has lasted, and long as it appears, by what we see, likely to last, I cannot say that the time and attention which the House has bestowed on the subject have been entirely thrown away. We have made some progress in the course of our discussions. When this debate began we were led to think, erroneously as it now turns out, that these principles of disfranchisement of county freeholders and identity of the county and borough franchise were fundamental principles of the Bill, the alteration of which would be fatal to the measure; but I was glad to hear yesterday, in the short answer which the right hon. Gentleman the Chancellor of the Exchequer gave to the question put to him in the early part of the evening, and I am still more rejoiced to hear to-night, in the more ample exposition of the hon. Gentleman the Secretary to the Treasury, that the Government consider every part of the measure to be open to consideration in Committee; that there is no part of the Bill the maintenance of which is a *sine qua non* with the Government; and that those provisions to which the Amendment of my noble Friend points are just as open to discussion, reconsideration and amendment in Committee as any other less important parts of the measure. If we have gained such progress in the course of the discussion, I cannot say I regret the prospect of the debate going on to Monday or Tuesday next, or to any other day of the week, for I anticipate the progress of conviction may go on *pari passu*, and that we shall end in all being agreed to accede to the Resolution of my noble Friend. But whether this agreement may exist or not, at all events any scruples which any hon. Members may have felt to concur in the Amendment of my noble Friend, on the plea and apprehension that the carrying of the Resolution would be fatal to the Bill, and that the question of Reform would thus be indefinitely postponed, must now be done away with, and every hon. Member is free to vote on the Resolution according to his view of its merits as regards the points to which it applies. Sir, I much regret one incident and one speech we have heard. I much regret that the hon. and learned Gentleman the Solicitor General thought it becoming his own position or consistent with Parliamentary tactics, after having exhausted, and apparently conscious that he had done so in vain, all the arguments which his ingenuity suggested in support of the Bill, to have at last recourse to that commonplace and ordinary weapon of personal taunt against those who differed from him in opinion. I repudiate, Sir, for those in this part of the House the reproach that we are actuated in the course we are now pursuing by a desire for political aggrandizement and private advantage. Such an imputation is as unworthy of the hon. and learned Gentleman as it is undeserved by those against whom it was levelled. I should have thought that the course pursued by those whom the hon. Gentlemen opposite have, from the commencement of the period at which they accepted office, represented as the majority of the House —I should have imagined, I repeat, that the course of unexampled forbearance which that majority has displayed might at least have secured them from any such taunt. [*Cries of* "Oh!"] Sir, I maintain that unexampled forbearance has been shown by hon. Gentlemen on this side of the House. It is true that when last year public indignation was raised by a certain despatch addressed by the Government to the Governor General of India, we did think our public duty required us to call on Parliament to mark its sense of that transaction. Hon. Gentlemen opposite imagine that that Motion was withdrawn in consequence of the apprehension excited by their representations of an approaching dissolution of Parliament, and their fancied success on that occasion seems to have led them to think that that threat might be repeated *toties quoties* in circumstances of embarrassment; but the grounds on which the Members of this House were disinclined to that Motion were these,—that they saw that the Minister personally or officially responsible for that despatch had resigned his office, and there was a disposition to accept that resignation as an atonement on the part of the Government. Now, Sir, I am not going to imitate the example of the Solicitor General, and reproach the Government of the day with having abandoned their own former principles, and discarded their former opinions by proposing a measure of reform. I hold that they did their duty in proposing that measure. They took the Government, if I may speak in language which the noble Earl at the head of the Administration will understand—they took the Government with its engagements. Those engagements they were bound to fulfil or else pay forfeit. One of those engagements had reference to the Government of India. They had wanted, while we were in office, to postpone the change of government from the Company to the Crown; but when they took office they felt that the public expectation was fixed upon that change, and that to a certain degree the honour of the Crown was committed to its being effected, and they did carry on the measure which we began. They spoilt it, no doubt; but nevertheless they did fulfil that engagement, and the Government of India was transferred from the Company to the Crown. It was too late in the Session at that time to enter on the great question of Parliamentary Reform. The preceding Government had equally been prevented in the early part of the Session from entering on that subject by the pressure of the Indian question. It was, therefore, perfectly right and natural that they should postpone the question of Parliamentary Reform until the present Session. But when the time came for the consideration of the measure what, let me ask, was the manner in which they should have applied their minds to the subject? They are a Conservative party; they are not opposed to progressive improvement; but their improvements and changes ought, according to their own principles, to be made upon the established principles of the British constitution. They would, I presume, improve to amend, and would not alter to destroy. When they came to look at the state of our representation under the Act of 1832 they ought to have considered what were the points arising out of the operation of that Act which required or admitted of improvement. Undoubtedly, the experience we have had since that time must naturally have led them to propose certain changes in that Act. There are, I am willing to admit, imperfections in the settlement of '32. In the first place, it excluded from the franchise a certain amount of property and intelligence and a comparatively high class of the community, who, though perfectly well qualified in every respect for the exercise of the franchise, nevertheless did not possess that technical qualification of occupying a £10 house. That imperfection I am ready to admit that their Bill is calculated to remedy. I do not join in the sort of taunt which is raised against what are called their "fancy franchises." I believe some of those franchises will admit within the pale of the constitution a class of men well calculated by their position and their intelligence to exercise the suffrage. Another point on which I think they would naturally have found the arrangement of 1832 defective was, that the occupation franchise in the counties was placed too high. They would naturally have put into their Bill a provision for lowering that county franchise, whatever amount they might have thought fit to propose. Some might have been disposed, as I myself should have been and as I have often stated in this House, to agree to a reduction of it to some such limit as that suggested by the right hon. Gentleman the Member for the University of Cambridge. Others might have preferred the amount proposed by my hon. Friend the Member for East Surrey. At the same time I must concur with my right hon.

Friend the Member for South Wilts (Mr. Sidney Herbert) in saying that the £10 franchise for counties has never yet been actually affirmed by this House. Those who quote the last Bill, which was read a second time, must have the goodness to remember that I voted for the second reading of that Bill distinctly on the ground that it did not propose to identify the franchise in counties and boroughs, and because it simply proposed to amend the law relating to the county franchise, leaving the limit to be settled in Committee. Well, then, I say it was natural that their measure should contain a proposal for lowering the county franchise. Again, with respect to the borough franchise, I confess myself that I, at one time, entertained a strong opinion that the £10 franchise ought to be maintained, but on further consideration and inquiry I am of opinion that it would be desirable to lower that amount for the purpose of admitting to the franchise the better, the more instructed, and the more respectable class of working men. This Bill no doubt contains arrangements which, independently of any lowering of the £10 qualification, would have a tendency to admit some of that class. I do not join with those who think the franchise founded on a deposit in the savings' bank would be a nullity. The other arrangements about lodgers and so forth, I apprehend, would not have any considerable effect in admitting that class of the community. My opinion is that some diminution ought to be made in the amount of the £10 fixed for a town franchise. I feel quite as much as many do that you ought not, by admitting a large numerical majority of the least instructed part of the community, to swamp the better class of voters and overwhelm the fair influence of property and intelligence. I am ready to admit that it is not only ignorance that ought to be excluded from governing intelligence; but those who have no property ought not to be the persons to direct the legislation applicable to those who have property; subject to those conditions, I am convinced a reduction might be made, and I think ought to be made, in the amount of the borough occupancy franchise. Well, then, there is another point to which the attention of the Government would naturally have been directed,—that is to say, the question whether some transference of seats ought not be made from some of the smaller constituencies to places which have either grown up to be important towns since 1832, or to constituencies which, by their immense numbers, have become too large for a single representation. This Bill contains provisions for that purpose, and I am not one of those who would be disposed to quarrel with the limited extent of change they propose. I am of opinion that great misapprehension prevails with regard to the smaller constituencies. The large towns are a field where men who live in those communities and have acquired wealth, character, and standing therein, are naturally the choice of constituencies to whom they are best known. The counties, on the other hand, are a field where Gentlemen connected with landed property and agricultural pursuits naturally expect to find seats in this House. But there is a large amount of intelligence, knowledge, and capacity for legislation in a class of men belonging to neither the one nor the other of these ; and the smaller boroughs, whatever may be the objections urged against them, enable many men of that description most useful in the deliberations of this House, and many young men of promise, to gain admission to the Legislature. If this House consisted, on the one hand, of men connected with manufactures and commerce, or men who by peculiar circumstances had acquired great public reputation and character—as, for instance, my hon. and learned Friend the Member for Sheffield (Mr. Roebuck) who has no connection with that town, but, from the position he holds as a public man, and on the other hand of men connected in counties with the landed and agricultural interests, and there were no means by which other men could find their way into Parliament, and no opportunities by which young men of great ability and promise, but not as yet of established reputations could gain admission there, I should consider such a state of things as a public misfortune. Well, now, if the Government, turning their minds to the manner in which the Act of '32 has worked, and discovering with regard to it those different imperfections and faults, had addressed themselves to the application of a remedy for those particular defects, my opinion is that if this measure had been framed in a reasonable manner, and sufficiently liberal to secure the concurrence of those who are attached to the constitution, but who wish to see it improved, the "following" which they have behind them, combined with the support they would have received from the independent portion of the House, would have enabled them to carry a measure to settle for a certain period of time—for finality is out of the question—and in a manner satisfactory to the community, the question which now engages and agitates this House and the country. I am of opinion that, although there is a desire for certain changes, the state of the country is utterly different from what it was in 1831 or 1832. At that time there were blots in our representative system to which no man could shut his eyes. We had places with scarcely a habitation for a voter in them returning Members to Parliament, while the greater part of our large communities had no share in the legislation of this House, because they were utterly unrepresented. It was said by Lord Dudley, I think, that our ancestors had indeed their Gatton and Old Sarum and boroughs of that kind; but they had not cities larger than the London of their day totally unrepresented and without any means of making their voice heard and their wishes felt in the deliberations of Parliament. The only way in which those great communities could be represented was by taking Members from a large proportion of the smaller constituencies. But at present the number of great communities that require representation or of counties that require additional Members is comparatively small, and it does not follow because there was a large disfranchisement in 1832 that there should therefore be a demand for a large disfranchisement now. If, then, the Government had contented themselves with a measure of that sort, I think I am justified in saying that they would have had no great difficulty in passing it, while they would have gained credit for themselves, and would have given satisfaction to the country. But they bethought themselves of inserting in their Bill arrangements totally inconsistent with the long-established principles of the constitution. They determined upon committing a great act of injustice by disfranchising some 110,000 of the county freeholders who happen to reside in unrepresented boroughs. Well, by some mistake—for mistakes will happen in the best regulated families—they say that a provision intended to exempt from the operation of that enactment all existing freeholders happened to be forgotten, and was not inserted in the Bill, although it has since been laid upon the table of the House. Their Bill also identifies the town with the county franchise, thus, as has been stated by all who have spoken on this and by many who have spoken on the other side of the House, destroying an ancient and established principle of our constitution which provides a difference, and a marked difference, between these two franchises. Well, Sir, that arrangement, it has been said, but unjustly, erroneously said, will lead to electoral districts. I acquit the Government of that accusation. The Motion of my hon. Friend the Member for East Surrey (Mr. Locke King) to reduce the county franchise to £10 would have led to the assimilation and identification of the town and county franchise. But he still left untouched in the counties the 40*s*. freeholders, — a very numerous body; he did not transfer them to the boroughs; and therefore, if his Bill had passed, there would still have remained a great distinction between the town and county franchise, though it would have led to their assimilation. The Bill of the Government, however, does not lead to the establishment of electoral districts. It actually establishes them, because it not only extends the borough £10 franchise to the counties, but it transfers the 40*s*. freeholders to the boroughs, with all the other peculiar and less considerable county franchises; and it so completely identifies the borough and county franchises that, in fact, it establishes electoral districts, although unequal ones. I should almost have supposed that that portion of the Government arrangements had been suggested by the hon. Member for Birmingham; and if we are to determine who are embarked in "the same boat," I should say that the hon. Gentleman is rowing with the right hon. Gentleman the Chancellor of the Exchequer and the noble Lord the Secretary for India much more than with my noble Friend the Member for the City of London. Sir, when this Bill came before us the first impulse of every man who read it must, I presume, have been to alter and amend it in Committee; but when he looked further, and found that there were interwoven with its provisions principles so completely subversive of the fundamental arrangements of our representative system—principles so unjust, and to which it was so impossible for the House to accede—the next impression upon the mind of every man who was not bound by party ties to support the Government was that the measure ought to be thrown out upon the second reading. Well, that was my own impression, but my noble Friend suggested a Resolution pointing to the particular matters which were especially open to objection, and when my noble Friend did me the favour to show it to me, I said at once, "I think your Resolution is excellent; I think it is well adapted to its aim; and I am perfectly ready to give it my cordial support." Why, it was the only method of at once bringing under discussion those two points, which, if left in the Bill, would have led to its rejection, whereas, if they were taken out of the Bill, the House might agree to go into Committee and modify its other objectionable features. It was far better, and the result has shown that it was better, to discuss these two points, taking them separately and deliberately rather than plunge into the chaos of a Committee, where the discussion would have turned not so much upon principles as upon wording, and where we should have been lost in the confusion of a desultory discussion upon details. I say, therefore, that I think the Motion of my noble Friend was exactly the course which, under the circumstances, it was most expedient to pursue; and so far from its being a vote of censure upon the Government, or one which, if carried, necessarily implies the rejection of the Bill, I think the Government ought to thank my noble Friend for having made that Motion, because, if carried—and I have no doubt whatever that carried it will be—it relieves them from a difficulty which otherwise would probably have entailed the total failure of their measure. That being the case, I shall very shortly state my views. I am not going to follow those who have gone into elaborate dissertations upon the British constitution, or who have enlarged upon the abstract principles involved in many of these details. There are, indeed, other provisions in the Bill which I think the House will not adopt. There are provisions, for example, which admit the fabrication of fagot votes, restore non-resident voters, and establish a system of voting papers—a system susceptible, I think, of the greatest possible abuse; but I am not going to argue them now. They will be discussed if the House should go into Committee; and, as the right hon. Baronet the Colonial Secretary told us, "Prove your case," and it will be a question for the Committee. I say, in regard to the two points comprised in the Resolution, that we have proved our case; and that being so, when the House has affirmed those two principles by adopting the Resolution, the rest will then become a question for Committee. Two days ago I should have repeated more emphatically than to-night that which fell from the right hon. Gentleman (Mr. Walpole) as to the consequences likely to flow from the affirmation of this Resolution. There is no doubt it will be carried, and then what is the Government to do—what course will they pursue? We are told various things. Some persons say the Ministry will resign. Sir, I believe no such thing. I think it will be a dereliction of duty on their part if they do resign. I do not want them to resign. I say to them, as I think Voltaire said of some Minister who had incurred his displeasure—"If the Eternal wishes to punish him let him not annihilate him by his thunderbolt, but condemn him to keep his place." I repeat that they took the Government with its engagements. They undertook a measure of Reform, and they will be flinching from their duty to the Crown and the country if, in consequence of such a vote as that proposed by my noble Friend, they fling up their places and throw upon others the difficulty of dealing with this subject. They have advantages which no other Government would enjoy in settling the question. It is their duty to settle it, and therefore I say—not meaning, I assure them, any uncivil taunt—I do not believe they will resign; I have too good an opinion of their common sense to think they will shrink from the performance of the task which they have deliberately undertaken. But then it is said they may dissolve. Well, I have no greater faith in their dissolving than in their resignation. I am of this opinion, because to dissolve Parliament at the present moment implies more than the single will of the Government. The concurrence of this House is necessary to its own dissolution. The state of public business is such that before the Government dissolve it would be indispensable to take other Votes in Supply, to pass the Appropriation Act, a Ways and Means Act, and to make provision for certain Exchequer Bonds which fall due in May. Now, all these operations require the concurrence of this House, and are the Government, I should like to know, sure of obtaining that concurrence? In ordinary cases I am quite ready to admit, when a question arises out of the contests of two political parties—when that question is one, for instance, relating to our foreign relations—a question of peace or war, or one of general policy, with respect to which the Government and the majority of the

House of Commons may disagree—it would be a perfectly constitutional course for them to pursue to appeal to the country, and it would be right that the majority by whom their conduct happened to have been censured should afford them every facility for making that appeal. That, however, is not the present case. Is it right, I ask, that the Government should throw the British constitution to be scrambled for and discussed upon every hustings throughout the country? Is that the course which a Conservative Administration thinks it its duty to pursue? I do not believe, Sir, they would act so if they could, and I believe they could not if they would. I cannot come to the conclusion that this House might not, if the Government announced it to be their intention to dissolve, be wiser than they, and feel a stronger sense of the duty which both the Ministry and Parliament owe to the country and to the constitution. I entertain no doubt that the threat of dissolution which has for the last few days been so much bandied about in private conversation all over the town by Members of the Government, high and low, is nothing more than an attempt to renew that which was done last year; and is a vain threat resorted to simply with the view of influencing the votes of hon. Members on this occasion. Well, then, there is a third course which they may take. They may abandon their Bill; but I do not think they will do anything of the kind. I do not suspect that they have so great a want of a due sense of the duties which they are called upon to perform as to abandon thus a measure which they have deliberately undertaken to propose to Parliament on the important subject of reform. My conviction—I will not say is—but has all along been, that if this House were to affirm by a large majority the two principles contained in the Resolution of my noble Friend, the Government would still feel bound to go on with their Bill, and in taking that course I, for one, should not ask them to enter into any engagement that they would adapt the Bill to the Resolutions. I do not think it would be necessary to call upon them to make any such declaration, because the same power which would carry the Resolutions would compel them to suit their measure to the views which had been affirmed by a majority. It would, therefore, be childish to exact from them any pledge on the subject. Our security for the adaptation of the Bill to the principles embraced in the Resolutions lies in the majority by which those Resolutions will be passed, and I feel satisfied Her Majesty's Ministers would not—I will not say so far degrade themselves—but so entirely shrink from the performance of their duty as to withdraw this Bill because the two provisions of it against which the Amendment of my noble Friend is aimed may happen to have been rejected by a vote of this House. If such, then, was my opinion at the commencement of this discussion, it is evident that all doubt upon the question must have been removed by the very candid and ample explanation which has been furnished by the hon. Baronet the Secretary to the Treasury this evening; because he has stated that every part of the Government proposal is open to revision and alteration, according to the decision of the House in Committee. After that statement, coupled with the declaration which was made by the right hon. Gentleman the Chancellor of the Exchequer yesterday, it is, I think, perfectly clear that the Government cannot recede from their position, and I therefore hold them bound to conform to the decision of the House by the Motion under our notice. I entreat those hon. Gentlemen who may entertain a doubt as to the expediency of voting for this Resolution upon the ground that the result of its success would be to throw out the Bill, and that as a consequence a good opportunity for the settlement of this great question may be lost, to discharge all such apprehensions from their minds, inasmuch as the Government now stand pledged by the declarations which they have made in this House to accept the decision at which a majority may arrive, and to alter their measure in accordance with the Resolution. If they do not take that course of their own free will they will be forced to adopt it. As to all the other objectionable portions of the Bill we have also the assurance from themselves that we have only to "prove our case," and that those clauses may be amended in Committee. "Prove your case," in short they have said, and there will be no difficulty in the matter. It is not, as I have said, my intention to go into abstract questions. I am desirous of addressing the few observations I have still to make distinctly to the course of our proceeding on this occasion. The Resolution of my noble Friend draws the attention of the House pointedly to two provisions in this Bill, to which I am sure the great majority of hon. Members could never give their assent. If that Resolution had not been moved the Bill would undoubtedly have been rejected, and the opportunity for settling this great question would have gone by. I quite concur with some hon. Gentlemen who spoke upon the other side, and especially with my right hon. Friend who spoke last, that we ought to look with great concern at the prospect of that agitation which might be got up during the ensuing autumn and winter if this question were postponed, and if the constitutional arrangements of the country should be set up to be discussed at public meetings in every county and borough in the kingdom. There is, I presume, not a single hon. Gentleman in this House, who has taken any interest in this subject, who has not been inundated with plans of Parliamentry Reform. There is scarcely a day that some correspondence or another, either in the shape of a written letter or a printed pamphlet, does not reach one containing the author's views in reference to the best mode of arriving at a satisfactory adjustment of the question, and if this measure is not now carried, and the question is hung up for public discussion for the next twelve months, I am sure it is scarcely necessary to remind the House that great public inconvenience is likely to be the result. I, therefore, Sir, beg to repeat my conviction, founded upon what has taken place during the progress of this debate, that if the Resolution of my noble Friend be passed by an adequate majority expressive of the decided opinion of Parliament, there is no doubt a measure will be framed by the Government and passed in accordance with the principles laid down in that Resolution.

MR. WHITESIDE: I entirely concur, Sir, in the sentiments which were expressed by the noble Lord the Member for London on the first evening of this debate as to the gravity and importance of the subject under discussion. In a like spirit was the question of Parliamentary Reform approached by the great men of other times. Nothing can be more ungrateful than to dwell on the vices of the political system under which we live, and to point out its abuses rather than to enumerate its advantages. We are taught by that philosopher, who was called Divine, that we should deal with our country as with our parents—with entreaty and persuasion, and not with bitter contestations, and I, for one, freely admit that we ought never to enter upon the discussion of the principles of this vast subject without feeling sentiments of reverence towards the Constitution of this country for the blessings which it confers. Two classes of statesmen have discussed the great question of Parliamentary Reform. They were men almost equal in eloquence, in patriotism, and in genius. They approached the question from opposite points of view. The one class said, improve your Constitution; the other, preserve it. The one contended for the removal of its anomalies and the correction of its abuses. The other said, "Better maintain as it is a system which should not be lightly deranged, lest, owing to rash alterations, greater mischiefs might be produced." Both pointed to results in justification of their principles. The one pointed to unnecessary wars, oppressive taxation, a corrupt Administration, and said, "The existence of these evils justifies the demand which we make for Parliamentary Reform." The other class pointed to the practical administration of justice, to the increased wealth, and to the many blessings possessed by the great bulk of the people. What this latter class of statesmen in effect said I say—the truth exceeds the aspiration of the patriot, or anything which the fancy of the poet can depict. Chatham and Flood, Pitt and Fox failed each of them to carry a measure of Parliamentary Reform, and why? Because the mind of the nation was not with them: Europe was convulsed by revolution. The question of Parliamentary Reform was subsequently agitated, and Lord Althorp carried what he called his final measure. Now, if we can for one moment glance at what the principles were upon which the discussion of the question was based by those famous statesmen, undazzled by the splendour of their eloquence, we can, I think, discover the true spirit in which it ought now to be dealt with. They said, the chief reason for a measure of Parliamentary Reform should be an overpowering national necessity for it. They said it should be introduced when there was an undue exercise of the influence of the Crown, when the House of Commons was corrupt, when there was a want of sympathy between the representatives and the represented, and when there was a want of control on the part of the Legislature over the conduct of the Executive. Now, Sir, the undue influence of the Crown is gone, corruption in the Legislature no longer exists, the control of the Legislature over the Executive is perfect, a consul could not be appointed in Japan, and escape the discerning eye of Parliament, Then, what remains? What is the only principle upon which this question can now be fairly and properly discussed? Is it not whether it may not be expedient to infuse new blood into the body politic, whether it would not be advantageous to extend the area of representation, and to give to all who deserve it the right of being represented if they fairly and reasonably ask for it? I maintain that is the only issue—ought to be the only issue before us. If that be so, how does the question, vast as it is, narrow itself as we discuss it! The Sovereign of these realms has, as was observed, been rightly advised in calling the attention of Parliament to this great subject. Two Ministries,—I do not say actuated by any but good motives, —have endeavoured to adjust this question and have failed. The present Ministry have produced a Bill, and how has the Bill been described? It is vicious, it is beneficial. It is aristocratic, it is democratic. It is Conservative, and it is revolutionary. I am tempted to apply the principle of Archbishop Whately's "historic doubts" when he questioned the existence of Napoleon Bonaparte because of the contradictory characters given of him by persons of opposite views. How is this difference to be accounted for? I think the right hon. Member for Wilts (Mr. Sidney Herbert) has given us the proper cue for understanding it. He said, looking at the Opposition—for it was right to look difficulties in the face—that no two men on those benches were agreed with each other. He portrayed the Opposition graphically, and I presume truly, as so divided that it was impossible to find among them any agreement upon any given question. If that be so, is it wonderful that a Bill, even had it been drawn by the wise men of Greece, should have been so received? Is it not a necessary result of the condition of the House that this Bill should be received by men who differ upon every subject with some difference of opinion? But I ask is it not the duty of every right-minded man, instead of endeavouring to magnify those difficulties, to try and reconcile those conflicting opinions for the general benefit. The right hon. Gentleman told us what our duty was. He said, "Here is a Bill which is very unsatisfactory to me; that Bill admits what I never can agree to." The opinion of the right hon. Gentleman is entitled to the very highest respect. He is the foremost man attacking this Bill, and I propose to deal with him first. He says:—"You want to make the franchise uniform; you are going to reduce the county franchise from £50 to £10, and that I never can consent to." Why, Sir, the right hon. Gentleman has assented to it himself. He drew, or was a party to drawing, a Bill containing that identical provision, and yet he now tells the country Gentlemen on this side, "If you had only trusted me, and those who think with me, we would have given you a different measure. We would have produced a Bill giving a £20 franchise in counties, and perhaps an £8 or £6 franchise in boroughs." I want to know from him whether he thinks he is justified in attacking the Bill simply because it reduces the county franchise to £10, when, according to the honest and impartial testimony of the right hon. Member for Stroud (Mr. Horsman), it is a measure which is capable of amendment and improvement hereafter,—a good Bill, although perhaps not carrying out all the views of the right hon. Gentleman, and the most objectionable clause being identical with one in the Bill introduced by the Government of which the right hon. Gentleman was a Member. The right hon. Gentleman directs the Government to withdraw the Bill, and he gives us a reason. He says, "Withdraw the Bill, produce another, and I promise you"—what?—"increased support." May I ask what is the extent of the following of the right hon. Gentleman? I understood that the party to which the right hon. Gentleman belongs had become smaller and smaller by degrees; but I want to know what is the authority which warrants him in promising success to a Bill which shall not contain a principle that was embodied in a Bill to which he was a party four years ago. What argument he can use now he might have used then. So much for the right hon. Gentleman's arguments. It is, however, necessary to remember that he reads the Resolution as aimed against uniformity of franchise in counties and boroughs. Be that so. But I must now come to the author of the Resolution, and see what he means. Perhaps, however, I am in error in considering the noble Lord, the Member for London, the inventor. For, according to the right hon. Member for Stroud, it seems a dark, mysterious necromancer had something to do with it. The magician imposed upon the innocence of

Mr. Whiteside

the noble Lord the Member for London, and took advantage of the simplicity of the noble Lord the Member for Tiverton. Overcome by the wiles of the necromancer, they assembled round the cauldron, and having muttered their incantations, there bubbled forth this muddy Resolution. The charm wound up, They whispered—

> "When shall we three meet again?
> When the hurly-burly's done—
> When the battle's lost and won."

But I want to know what the Resolution means; and if you, Sir, had not said that you would put the Resolution, I should most respectfully have asked for an explanation of its inscrutable bearing upon this question. Every Gentleman may talk about it, but it is only a preliminary Resolution proposed to be adopted before debate, without discussion and without argument. The noble Lord opposite tells us he is the hero of reform, and it may be he is right. He says it was your duty to bring in a Reform Bill." He should have added, "I feel it my duty to defeat it." "It was your duty to commit yourselves by adopting a principle twice confirmed by the House of Commons, and I will endeavour with the noble Lord the Member for Tiverton, to defeat you by a subtle resolution before there can be any consideration of your Bill." An hon. Gentleman has given notice of a Motion of want of confidence in the Government. Let not the hon. Gentleman think that I object to that Motion. That is a thing intelligible, and it is direct. It is made in the spirit of an English gentleman. But this crotchety Resolution, I say, is intended to create controversy and avoid a discussion upon the Bill before us. If the Bill cannot be changed the Government can. Both the noble Lords the Member for London and the Member for Tiverton condemn the Bill for what it contains. The Resolution is aimed at the measure because it is silent upon a particular subject. I could understand a man proposing an Amendment to supply a defect in a Bill upon a particular subject, but to condemn a measure by abstract resolution for what it does not contain, is worthy of the eminent capacity of the noble Lord and of the Parliamentary logic by which that Resolution has been supported. Such is the statesmanship of the nineteenth century! The noble Lord the Member for Tiverton says there are two great principles he never could support asserted by the Bill, and condemned by the Resolution. Why, he never can have read the Bill: the Resolution he did read carefully, and approved it. Now, what is the Resolution? What does it aim at? Observe the gloss put upon it by the right hon. Member for Wilts; according to him the first Resolution is aimed at the principle of uniformity of the franchise. Very good; but nobody has urged that very principle more distinctly than the noble mover of the Resolution; nobody has more distinctly expressed views directly opposite to the interpretation of the Member for Wilts. I can, with perfect safety, cite declarations by the noble Lord (Lord J. Russell), from which I can prove three things—first, that the noble Lord is an enemy of any large measure of Parliamentary Reform; secondly, that he approves a uniformity of the franchise; and, thirdly, that from his own expressed opinion this Bill must be a great blessing to the country. I will go for these conclusions to the hon. Member for East Surrey (Mr. Locke King), whose principles and arguments now receive rather a rough and unkind reception from his former friends. The noble Lord's (Lord J. Russell's) Resolution is aimed at the identity of the franchise in boroughs and counties; when the hon. Member for East Surrey brought forward his Motion the last time he made a convert—a rare thing to be made by a speech—of the noble Lord. I cannot object to what he said; he was giving counsel to the noble Member for Tiverton—and, when they do agree, their unanimity is wonderful. The noble Lord said, "For my part, I should think it imprudent"—the noble Lord the Member for Tiverton is not likely to be imprudent in the way of reform—"I should think it very imprudent if it was the intention of the Government to disturb the Legislation and the public mind of the country by bringing in a large and comprehensive measure of reform." Now, in this sentence we have the true opinion of the noble Lord on the question of reform. If that is the case you will have no "comprehensive measure" from him. I need not repeat the argument of the hon. Gentleman (Mr. Locke King) on that former occasion; but the House approved his Motion and his measure, and it reduced the county franchise precisely as it is proposed to reduce it in this Bill. The noble Lord (Lord John Russell) continued to say:—"If we sincerely desire a Reform, the only course to be pursued is to adopt any measure that will effect a safe improvement whenever it is proposed. I cannot but admit that the measure of the hon. Gentleman (Mr. Locke King) is in itself such an improvement." And the noble Lord was not contented only with stating his opinion; he gave also his reason for it. He thought the proposal of the hon. Member (Mr. Locke King) an improvement; because, he said, generally a man holding a £10 house in the county was a man of more property and greater intelligence than the tenant of a house of the same value in a borough. The noble Lord further said: — "He therefore thought the change safe; and, as no one was likely to propose a large measure of Reform, he was of opinion the measure would tend to satisfy many persons who had some reason to complain of the existing state of things. He thought the measure would tend, not only to improve and consolidate their institutions, but to add to the stability of the representative system." But I may be told this does not affect the reduction of the borough franchise. Yes; but how does the argument stand on that point? The Motion of the Member for East Surrey left the borough franchise as it stood. If, therefore, it is unconstitutional and mischievous (I defy any three magicians to get the noble Lord out of this dilemma), and, contrary to sound policy, to reduce the county franchise and leave that of the boroughs untouched. This is precisely what the hon. Member for East Surrey proposed to do, and that scheme the noble Lord approved. But I do not say that that is the meaning which the noble Lord himself attaches to his Resolution, though the noble Lord the Member for Tiverton and the right hon. Gentleman the Member for Wiltshire both affirm that they understood it to condemn a uniformity of franchise. I believe that the noble Lord intended this part of his Resolution to aim at what the Bill proposes to do with the 40*s*. freeholders in towns. I am willing to put that interpretation upon the Resolution as more suitable to the consistency of the noble Lord. And since that question has been brought up I would appeal to the common sense of hon. Gentlemen in this House what they think of this question of the freeholders? What the noble Lord says of the position of the £10 tenants in the country as compared with the £10 tenants living in towns is just as applicable to the case of the freeholders living in towns as compared with those in the country. Their position is different—their habits are different—their modes of thought are different; and, therefore, I submit that there could be no argument used more emphatic than that which the noble Lord himself has used on the question. But the noble Lord the Member for Tiverton says he will not go into the abstract question. It is very good in the noble Lord to say so; but I ask the House, are we seeking to go into abstract discussion? What are we seeking for, but for an opportunity to discuss the provisions of the Bill. I contend that reason, principle, and precedent are all with us. The ancient principle of the constitution was, that every man should vote in his own locality. Any man who will look into the statutes of Henry VI. will see that it was so then, and in fact the law was not changed till the time of George II. As for this uniformity of franchise which the noble Lord now argues against, has he forgotten that his own Reform Bill of 1832 cut down every variety of franchise throughout England? The noble Lord then distinctly declared that is was necessary to remove every variety of franchise, and to have one uniform franchise, uniting what he called the respectability of the country with the property of the country. That was the noble Lords' argument when he abolished the potwallopers and other kindred franchises throughout the country; and now the noble Lord stands up in this House and says it is unfortunate that there is not a variety of franchises. Why, the noble Lord was himself the author of that uniformity he deplores. In the last Irish Reform Act there is a clause which expressly forbids every man who has property in the city from voting for the county. I therefore say, that in point of antiquity, principle, and common sense, there is nothing unreasonable in requiring a man to vote in the locality where his property is situated. What injury is thereby done him. I am amazed at the attempts that have been made to delude the House upon this subject, as if it were a case of disfranchisement. Every man who has a vote now will retain it for the term of his natural life; and every freeholder will be entitled at all times to his vote, and if he be a freeholder and an occupant he will be entitled to vote for both borough and county as long as he lives. But it is said to be unreasonable that when he dies the franchise of his heirs should be taken away. And this comes from the supporter of a Minister who disfranchised 250,000 freeholders in Ireland. That was the strongest measure that was ever carried by the British Parliament, but it was carried with respect to Ireland, on the principle I suppose, *experimentum fiat vili corpore.* The rights of these men were taken away though they had committed no crime, except that of voting according to their consciences. They were taken away by a British Minister supported by the noble Lord, and now the noble Lord stands up in this House and says it is unconstitutional—not to destroy, for that we don't propose—but to regulate and transfer the votes of these 40*s.* freeholders. And now for the duty of the noble Lord. We have got a lecture upon our duty to-night from the noble Lord the Member for Tiverton, and we had one on a former night from one who always commands the respect and attention of this House by the ability, the calmness, and the moderation with which he always states his views—I mean the hon. and gallant Member for Dovor. The hon. Member says it is presumption to inquire into the motives with which this Motion has been brought forward. Why who supposes that any man of common sense would get up in this House and not address himself to the question of motives? I intend to do it directly, but first let me say a word to the noble Lord. The noble Lord is a lover of Parliamentary Reform. He has upheld the principle of this Bill, and will the House believe it, he has said it would add 390,000 to the county constituency of England. That is his own computation. He upholds it, approves it, and votes for it; yet when a measure is brought in of which this is the fundamental provision, he catches at another clause in the Bill, and makes it the foundation of this muddy Resolution and the ground of objection to the whole Bill. The noble Lord is the parent of Reform. He has Bills of all sorts, shapes, sizes, dates and dimensions. Did you observe the zeal of the noble Lord on the bankrupt law? Oh! the Government must not carry their Bankrupt Bill, but he would first bring in his, and place it side by side with theirs. Through zeal for the public the noble Lord could show how well he could prepare a useful Bill upon a matter connected with the business of life, lay it on the table side by side with the Government Bill, and take the sense of the House of Commons upon it. But upon the question of Parliamentary Reform the parent of Reform has produced no Bill, nor has he acted with equal zeal and candour in the public service. Nay, more, I will defy any man to tell me from his speech what are his opinions upon the subject, or what he means to give to those earnest and enthusiastic Reformers whom he expects to support him on this occasion; though we can all very well guess what the noble Lord the Member for Tiverton, who appears to-night in the new character of a Parliamentary Reformer, may do if he be installed in office. We know what he did before, and no doubt he will be prepared to do the same again. The noble Lord the Member for London has spoken of the Earl of Derby as a second edition of Oliver Cromwell, and he says that no Parliament ever sat except in the time of Oliver Cromwell which was not elected by the 40*s.* freeholders. Now, if the noble Lord refers to history, he will find that that Parliament was a well chosen Parliament, according to the opinion of Hume, of Clarendon, and of the Whig historian Hallam, and that it has also the eulogium of that still more distinguished Whig, Lord Macaulay, for doing the very thing to which the noble Lord objects, excluding from the right to elect Members of Parliament persons not possessed of sufficient substance, introducing personal property as a qualification for the franchise, which this Bill does, and giving to the principal towns of England, such as Leeds, Manchester, and Halifax, the right to send Members to Parliament, upon which principle too this Bill is founded. Does not Lord Macaulay say that the principle of Mr. Pitt's great measure rested on the principle of that very scheme of the great Protector—not that I admire Cromwell, because he was a usurper and a tyrant—but Mr. Pitt was not a Whig, though he advocated that reform twice or thrice over; and I should like to know from the noble Lord and those who are pleased to cast upon us the desire to support every abuse and reject every remedy and reform, whether, according to the true principle of Conservative policy, Gentlemen, sitting on this side of the House are not as well entitled to bring in a measure of Parliamentary Reform, and to carry it too, as the noble Lord himself, provided it be just, expedient, and useful? What are the grounds upon which this Bill is not to be considered? Why, the noble Lord has admitted that the adoption of the principle of the Bill would add 390,000 to the existing constituencies; but then a computation has been made of what may occur hereafter; and it is said that there may be a reduction in the borough freehold franchise of from 45,000 to 50,000. At which side, however, lies the balance? Why, clearly in favour of the public. I have received a letter from a gentleman, resident in the great metropolitan district of Marylebone, in which it is most distinctly stated, that if the lodger franchise is made £15, two-thirds of the artisans of that district will have votes. The noble Lord can ascertain for himself whether it is true or false. I, of course, cannot speak positively upon the subject; but if this be the fact, how can any man argue that this Bill does not deserve consideration? Moreover, I contend that the admission of the principle of personal property is wise and just; and that, too, is asserted by this Bill. It must admit, it cannot fail to admit, many thousands. Therefore, the benefit lies on the side of the public. But it is asked, "What do you do for the working classes?" The noble Lord would admit a few well-conducted, capable, worthy men — and very few they would be, I have no doubt. Another noble Lord who sits opposite (Lord Bury) would admit them *en masse*, as I understood him to say. He said, "We must remove the ban from the working classes." The hon. Member for Oldham described the working classes as serfs, and called upon the House to admit them at once. Whilst the right hon. Gentleman the Member for Halifax said more cautiously that he would admit them to a certain extent. Now, I conceive that what the hon. Gentleman (Mr. Crossley) said, is deserving of most consideration; first, because I believe him to be a friend of the working classes; secondly, because he did not speak unkindly towards Her Majesty's Government; and thirdly, because what he said was reasonable in itself. What he said was, that he would be satisfied to admit a fair proportion of the working classes. Now, my right hon. Friend the Secretary for the Colonies has been taunted with having said that he would exclude the working classes. But he has done nothing of the sort. All he said was, "Do not inflame expectation that you do not mean to satisfy. Do not raise hopes that will be disappointed. Do not lead these honest men to believe that they are to get votes in the mass, when you know that no such measure can be carried." He never said or attempted to say that he nailed the colours of "Resistance" and "No Surrender" to the mast, and would yield nothing to the working classes. Sir, I say that that was an unjust mode of argument; for the Bill is lying upon the table, and proves of itself that the inclination is to admit the working classes. Aye, and we know that it will have the effect of admitting them in large numbers ["No, no," *from the Opposition.*] I say "yes, yes." I say that a rent of £15 a year in London must admit the great bulk of the skilled artisans who have not houses of their own. And that I assert according to the best of our information. But you have never yet produced the Bill that admitted any: on the contrary, you call upon the House to refuse even the discussion of the clauses which must admit a fair proportion of them to the possession of the franchise; to refuse to the Goverment the opportunity of asking the House to consider, to amend, to improve, and if the House in its wisdom think fit to pass the clauses which relate to savings' banks and to lodging occupation, and other clauses in favour of the working classes. I submit to the House, therefore, that on that portion of the question justice and equity are clearly with the Government, and as clearly against those who, affecting to be the friends of the working classes, prevent the discussion and stifle the investigation of the very principles by which they ought to be admitted. My right hon. Friend the Member for Cambridge University, from whom it gives me deep pain on any subject to differ, has, I understand, given an opinion that a reduction of the franchise from £20 to £10 in counties would be equally dangerous and unconstitutional; and the right hon. Gentleman the Member for Oxford City (Mr. Cardwell) has stated to-night that if it were carried it would be fatal to freedom in this country. No more freedom in England, said the right hon. Gentleman, if the £10 vote for the county be agreed to. Uniformity in the franchise for borough and counties will be fatal to liberty. Variety of suffrage is essential for the maintenance of freedom. Now, really is there any sense in that? If the right hon. Gentleman becomes, on such a principle as that, a leader in this House, and can so argue and convince the understanding of reasonable men, of course I cannot gainsay it? But what does it mean? Dangerous to freedom! Upon what principle? How can the fact that a man lives in a county and pays £10 a year rent, shake the pillars of the constitution? The right hon. Gentleman proved it by nothing. Let the right hon. Gentleman read the parliamentary debates upon the old Reform Bill, and from the arguments of the hereditary Whigs themselves, to whom he has lately attached himself, he will find that they abolished every variety of franchise in towns, and that there was nothing which they so much insisted upon as uniformity of franchise; and I cannot comprehend how an individual, by stepping from one side of the street to the other, being on one side in the county and on the other in the borough, could shake and endanger the British constitution, if he be allowed to vote on one side as well as the other. Perhaps he will give us an essay on that subject, which, being more elaborately composed, will be more easily comprehended by our understanding. I ask the House whether they believe that if the Government had introduced a Bill framed upon the principle of a £20 franchise for the counties, it would not have been attacked by noble Lords and hon. Gentlemen opposite? The principle of a £10 county franchise had been twice affirmed by the House of Commons, and I ask you whether it is likely that any measure in which it was not embodied could now have any chance of being carried? The noble Lord the Member for London complained, in the course of his speech, that three distinguished persons, two of whom have seats in this House, had expressed themselves very unequivocally against his Resolution. Now, I must say that the very fact that the right hon. Gentleman the Member for Coventry, whose attachment to the cause of reform is not doubtful, proclaimed his condemnation of that Resolution, ought to convince the noble Lord of its true character. And again, the fact that a noble Earl (Earl Grey, we believe), who possesses hereditary claims to the respect of Reformers, had expressed his unequivocal disapprobation of the Resolution, ought not to have brought down upon him the censure of the noble Lord. The right hon. Member for Stroud made a speech which hon. Gentlemen on his own side have much carped at. It was, indeed, open to one objection; it was, every word of it, strictly and literally true [*Cheers and a laugh*]. The hon. Baronet the Member for Westminster laughs. He has a right to do so; although it might be as well if he would favour us with his thoughts in articulate language. The right hon. Member for Stroud gave us his opinions on this question with a courage, a fairness, and an honesty with, after the memory of this debate shall have faded, will always redound to his credit as a public man. He said,—and I defy any man to contradict him—that, comparing this Bill with the two unsuccessful Bills introduced by the noble Lord the Member for London, they equally deserved to have been met with an adverse preliminary resolution as the one before the House. Who denies, he asked, that the Bill may be amended? Almost the only practical question between us is, as to what is to be done with the future generations of borough freeholders, because all existing rights are to be preserved; the present double votes will be left untouched. I admit that the Government's proposal is, that votes shall hereafter be given according to the locality of the elector. That is a fair subject for argument, and on whichever side the balance of proof may lie, let it receive a calm and candid consideration. But the speech of the noble Lord the Member for Tiverton, however amicably intended, was not calculated to soothe those who sit on this side of the House. I think I can give a plain and emphatic answer to his artful suggestion that the Resolution is not designed to affect either the Ministry or their Bill. "That," said he, with all his characteristic blandness, "is the last thing in the minds of those who approve this Resolution. Do you take back your Bill. I had some thoughts of opposing the second reading, but I am now in favour of a preliminary Resolution. I know you will amend your Bill and hold your places." I answer that the Government will never take back the Bill with this offensive Resolution. Observe the style of the noble Lord's address —partly patronizing, partly compassionate, and in his wonted manner blending some pleasant things with his blame. He knows by experience what it is to have a critical Resolution impending over the head of a Ministry, and understands what is likely to happen in the event of its being carried. Wishing to stand before the House and the country wrapped in the mantle of disinterested candour, he tells us the Resolution means nothing, was never intended to do us the slightest injury; that it cannot and ought not to affect this Bill, which should be proceeded with after it has passed precisely as it would have been before it. This is the advice he gives to a body of English gentlemen, who answer him that the decision on the Resolution will decide the fate of the Bill. The noble Lord is convinced the Resolution will be carried by a majority. Who gave him authority to speak for the House of Commons? Is he quite sure that he has yet recovered its confidence? He taunts us with our being in a minority, and reminds us how merciful he has been to us—how we have always existed on sufferance, and ought to be thankful for his grace and favour. Sir, we owe the noble Lord nothing. Even with his great majority his Ministry had not the wisdom and ability to preserve his power; and when he flings it in the teeth of the minority, that they are possessed of office without power, he was, perhaps, not aware that he pronounced the severest though indirect censure upon the respectable but antiquated Cabinet of which he was the chief. One could hardly preserve the gravity suitable to the subject when the noble Lord told us that a pressure of business and a hurry of affairs had prevented him from bringing in a Reform Bill. He thinks we have not learned his true character before this time. He appeals to the enthusiastic Reformers, "Did I not intend to produce a Bill?" That was to be found *in nubibus*, if there—it rested only in the imagination of the noble Lord, like every other measure of a practical nature, for his Ministry did not leave a shred of paper behind them. Then he turns round to his successors and tells them they have done their best for Parliamentary Reform, but that they should take back their Bill that they might make it a respectable measure. Yet he couples his advice with this offensive Resolution, with the intention of spoiling this very Bill; for it is impossible that any Ministry could accept such a Resolution as a compliment and sit down to amend the Bill as it dictates. But the Resolution is vague and indefinite; it pledges the noble Lord to nothing, and when he accedes to power, and is called on by the honest Radicals who have supported him to redeem his pledge, he will be able to answer that he made none, for this Resolution was framed purposely to prevent him from standing committed. It says nothing about the ballot, nothing definitely about Parliamentary Reform. The personal experience of the noble Viscount offers the best argument against the necessity of any organic change. The present Parliament gave the noble Lord a majority, and almost as soon as it assembled it asserted its independence by voting him out of office when he had failed in upholding the national honour. When Mr. Pitt, in the presence of Lord North, argued in favour of Parliamentary Reform, that distinguished Gentleman answered: "I was the creature of Parliament in my rise; when I fell I was its victim. I came among you without connections; it is here I was first known; you raised me up, and you pulled me down. My history shows the potent influence of the public voice." Did not this prove the power of public opinion over the Legislature and the Ministry, and show that a due effect could be given to it without the necessity of any great organic change? This House of Commons may require to be invigorated by the votes of a greater number of electors, but my conscientious opinion is, that its very conduct in respect to the Minister who has just spoken is the strongest, clearest, and most decisive proof that there is no necessity for any larger measure of Parliamentary Reform than that which has been proposed by the present Ministry. The noble Lord touched upon another point which I cannot pass by in silence. He said he had read in public prints, and had heard it stated, that the noble Earl the Secretary of State for Foreign Affairs was necessary to the community, that he had always had a very respectable opinion of that respectable nobleman, but that he did not believe that anybody could be the dupe of such a delusion. Now, I agree with the noble Lord that England is independent of any particular Minister. I admit that Lord Malmesbury's presence in or absence from the Foreign Office could not decide the fate or fortunes of this empire; but, with deference to the noble Lord, it is a very different question what the policy of the Foreign Office is. There is not a Gentleman who sits on those benches, there is not a man of capital, or enterprise, or industry, there is not an honest artisan who is not interested in that question. The noble Lord who sits there (pointing to Lord Palmerston) is a distinguished Statesman. I impute no unworthy motive to him; but does any man doubt that he has been the author of all the present confusion in Europe. Since the noble Lord the Member for the City made that rather sneering observation about Lord Malmesbury and the Foreign Office, I have revived my recollections upon the subject of Italy. Who is the cause of the confusion which exists there? The noble Lord the Member for Tiverton. ["No, no!" *and cheers.*] I mean this: when in the year 1848 the Austrian Government offered to the noble Lord, and the British Minister urged him to accept the offer of the independence of Lombardy—[Sir J. SHELLEY: No, no!] The independence of Lombardy—I repeat it—when Lord Ponsonby urged upon the noble Lord to accept the most magnificent offer that ever was made by a great military Power, namely, the independence of Lombardy, and a separate administration for Venice under the control of the Austrian Government, the noble Lord, I believe acting for the best—I do not impute to him anything but a total want of judgment — rejected that offer. When that noble person advised the noble Lord to take what he could get, and besought him to accept the great offer which he conceived would be productive of eminent advantage to the country, the noble Lord declined to do so, and I cannot help thinking that in the despatch of Lord Ponsonby there are a few words which may be instructive to us with reference to this question of Reform. They are these:—

> "I have reason to know that others as well as the late Ministers are prepared to approve of a peace based upon the line of the Adige being adopted. Your Lordship has disapproved of the terms, but I believe that the terms of which you approve are unattainable, and will continue to be so until the Austrians shall be defeated. I have several times impressed upon your Lordship that such is the fact, and I now take the liberty to bring the matter again under your notice, that I may know how to act. Your Lordship has yet time to produce some good."

The noble Lord refused that offer, the sword was drawn, Radetzki changed the fortunes of the war, and when the noble Lord wrote his next despatch, and said that he was willing to accept the terms which had been proposed, the Austrian Minister said, "You speak too late, blood has been shed, and you cannot expect after victory what you might have got in the hour of defeat." I cannot think that the noble Lord the Member for the City was wise in touching upon foreign affairs or foreign policy, and treating it as he did as a matter of small amount, of no consequence what policy was to be pursued at the Foreign Office; after your incomprehensible policy in reference to Naples, after your incomprehensible policy in reference to Belgium, to say suddenly to the House of Commons, "Change the Ministry; change the foreign policy of the country; introduce at a most critical time—at a most critical moment of a most critical negotiation, a new Minister"—and do it, why? I put it to the noble Lord himself, to his better and sounder judgment—because you have made no provision for the posterity of the 40*s.* freeholders. True, there is upon the table an Amendment saving the rights of existing freeholders, it is only a question of the right of their children and grandchildren; but in order to assert that principle the noble Lord is ready to be the parent of any amount of political confusion that may occur in Europe. I have, I hope, answered the noble Lord the Member for Tiverton directly and explicitly. He cannot say that he misunderstands the answer which I have given him. In reply to the advice which he has tendered to the Ministry, to accept this Resolution and take back the Bill, the Ministry answer, they will not accept the Resolution and take back the Bill. Therefore there can be no mistake upon that subject. The argument has been partially opened upon the subject of this great debate. The House of Commons has before it the issue which has been raised. I believe that there always is to be found in this House an impartial jury. We have found that to be the case on many great occasions ever since this Ministry came into office. If the Ministry has misconducted itself, then the Motion of the hon. Member for Beaumaris (Mr. O. Stanley) is a manly one. With that Motion, of course, the noble Lord the Member for Tiverton has nothing to do, though it accidentally happens that it is brought forward by the relative of a late Cabinet Minister. That is a manly Motion, its object is to impeach the conduct of the Ministry while they have been in office. You will be the judges whether that impeachment is well founded. I have no doubt that when that Motion is made the decision upon it will be one consistent with the character of the House of Commons, and worthy of men who have since the hour of their election maintained the independence of this senate, and asserted upon more than one occasion against the very Minister who chose them that which it was their duty to assert, the interest of their country. The noble Lord says that he has no doubt what the result of this debate will be. I cannot presume to imitate his language. It is for you to say where the truth of this question lies, and to give that decision upon it which the interests of your country imperatively demand.

Viscount PALMERSTON: Perhaps, Sir, before the debate closes, I may be allowed to say one word with respect to the communication which the Minister of Austria made with regard to Lombardy at the time referred to by the right hon. and learned Gentleman (Mr. Whiteside). The mission of M. Ovellard was not for the purpose of erecting Lombardy into an independent kingdom, but into a separate State under the protection of the Austrian Empire, and ruled by an Austrian Archduke.

Mr. EDWIN JAMES movedthe adjournment of the debate.

Debate *further adjourned* till *Monday* next.

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 28, 1859.

MINUTES.] PUBLIC BILLS.—1ª Municipal Elections.

2ª Railway Tickets Transfer.

3ª Manor Courts, &c., (Ireland); The Companies Act (1859); Medical Act (1858) Amendment; Oaths Act Amendment.

BRITISH SHIPPING.—PETITION.

EARL GREY *presented* a petition from the Shipowners of South Shields, praying for the Removal of the Burdens on British Shipping. The petition commenced by drawing their Lordships' attention to the depressed state of the shipping interest, and to certain charges which had been imposed upon them. With regard to the first part of the petition he did not understand the petitioners to call upon their Lordships to revert to the policy which prevailed before the repeal of the Navigation Laws in 1849. Such a petition he could not have supported, for he believed that in the ten years since the change was accomplished the shipping interest had made more progress than in any twenty years preceding it. The great object of the petitioners was to obtain a reciprocity from other countries. He trusted, however, the petitioners did not intend for this purpose to require that the clause of the Act of 1849 giving the Crown the power of imposing restrictions on foreign shipping should be enforced. He had always regarded that clause as a necessary, but unfortunate, concession to the prevailing prejudices of the day—a concession necessary to the passing of the Bill. He was reconciled to it mainly by the conviction that it would prove, as it had proved, a dead letter; and he hoped it would so continue. The best policy was to abstain from making any applications to foreign Powers on this subject; those countries were greater sufferers themselves from their system of restriction than England. Any application to them to relax it only encouraged a belief that England had some interested motive for doing so. As to the special charges complained of, if they could be proved he should wish to see them lightened; but he could not concur in the policy of throwing on the general revenue of the country charges incurred for the benefit of the shipowners.

Petition ordered to lie on the table.

THE STATE OF EUROPE.

QUESTION.

THE EARL OF CLARENDON: I wish to ask the noble Lord the Secretary for Foreign Affairs a question of which I have privately given him notice, whether he will feel it to be inconsistent with his duty to give the House, and through the House the country, some information as to the present state of affairs in Europe, and of the results of Lord Cowley's recent mission to Vienna? I did not place any notice of my intention on the paper, because I am fully prepared not to press the inquiry if I have any reason to believe that it will be productive of any injurious effect. The noble Earl knows that I am not impelled by mere curiosity, and that I am not capable of wishing that he should make any communication that would be prejudicial to the cause of peace, which we all have at heart. But my noble Friend must be aware of the great anxiety which exists in this country upon the subject, an anxiety which is increased by the conflicting rumours circulated from day to day in the public press. My noble Friend must be aware that now for nearly the space of three months, in consequence of the differences between France and Austria, great loss and injury have been sustained; that commercial transactions have been interrupted, and that confidence abroad has been entirely destroyed. There are people who would almost prefer the worst certainty to the continuance of this paralyzing uncertainty. The noble Earl knows that for some time past hopes that peace will be preserved have been entertained by commercial men; and I can believe the possibility of it, for they look in vain for any sufficient cause why peace should be disturbed. But it is idle to suppose that war has not been seriously contemplated; and it would be still more idle to suppose that war, once commenced, would be restricted to any particular country, or confined within any prescribed limits. It would be contrary to all past experience if the neighbouring nations remained pacific or indifferent in the event of a war between France and Austria. Against such a war, or I would rather say against such an unprovoked European convulsion, the public opinion of Europe has been expressed with a unanimity which I believe to be unprecedented. England, neutral and eminently pacific in her policy, in close and friendly alliance with France and with Austria, sincerely desirous that all practical remedies may be applied to the evils which exist, has been in a position to render service to all parties during this crisis. My Lords, I am willing to believe that Her Majesty's Government have, to the best of their ability, fairly and honourably taken advantage of this opportunity. I augured well of Lord Cowley's mission to Vienna, because I was sure that he would not have been sent there by Her Majesty's Government, and that he himself would not have undertaken the mission, unless there appeared a fair prospect of success; and I was sure that whatever could be effected by sagacity, tact, and judgment would be accomplished by Lord Cowley. I do not pretend to be better informed than other people with respect to the mission of Lord Cowley, but, like all others who read the newspapers, I cannot pretend to be ignorant of it. In every part of the world in which business of importance is transacted, able men are indefatigable in collecting facts and reporting them to the English newspapers. They ascertain and sift the facts, and report them with remarkable accuracy. From these reports I have gathered that Lord Cowley had no full powers, that he was not charged with any particular negotiation, but was to hold at Vienna precisely the same language as at Paris, to ascertain what were in fact the differences between France and Austria, and to endeavour, as far as possible, on the part of Her Majesty's Government, to reconcile those differences and bring about a satisfactory settlement. If I am right in this conjecture, I think that those instructions to Lord Cowley were judicious, and that Her Majesty's Government acted wisely in not committing themselves to any distinct proposal, and thereby impairing their position of usefulness. I allude to Lord Cowley's instructions, because my noble Friend will bear in mind that the public in reality know nothing of Lord Cowley's mission, beyond the statement of the fact that he was on the road to Vienna, made by the Chancellor of the Exchequer some weeks ago in answer to a speech of Lord Palmerston. It is possible that my noble Friend will not now think it necessary to maintain the same reserve as was maintained at that time by the Chancellor of the Exchequer. The friendly object of Lord Cowley's mission appears to have been fully appreciated, and he is believed to have brought back assurances which are important and satisfactory. The Emperor of Austria, I believe, has expressed his earnest desire to come to a friendly understanding with France upon all existing differences between them. He has professed his willingness to withdraw the Austrian army from the Pope's territories at the same time with the French army. He has declared that he does not intend and never has intended to invade Piedmont; and, further, that he is prepared, not only in conjunction with France but with the other great European Powers, to make such representations to the Supreme Pontiff, as may lead to a better government of the Pope's territories. Now, if Lord Cowley was able to make these communications, I think it is important that the fact should be affirmed by my noble Friend; because it is impossible that such assurances should not have been met in a corresponding spirit by the Emperor of the French. The reason and humanity of the French Emperor, and his deference to the unmistakable opinion and unanimous wishes of the French people, forbid that he should come to any other conclusion. If Austria has agreed to a Congress, we may infer that she is prepared to make some concession to the public opinion of Europe. In her present condition, with her vast military preparations, and relying as she does on the spirit and patriotism of Germany, she can well afford to do so without the slightest taint upon her honour or the smallest danger to her interests. Then, my Lords, I think we may feel confident that the peace of Europe will not be disturbed, because every shadow of a pretext for war will then have been removed. I do not think it necessary to say any more at the present time. I purposely avoid alluding to the questions which have to be brought before the Congress or to that cessation of military preparations and possible disarmament which ought to be a preliminary to the meeting of the Congress, and I will not conclude by putting any precise question to my noble Friend, because I have no doubt that he is desirous of allaying anxiety by giving to this House such information as his sense of public duty will permit him to give respecting Lord Cowley's mission.

The Earl of MALMESBURY: My Lords, I must begin by thanking my noble Friend for the discretion which he has exercised in putting this question and for the considerate manner in which he has sought that information which your Lordships are naturally anxious to obtain. I am perfectly ready to give as much of that information as I can without trenching upon those questions which it may perhaps be better to avoid at the present moment, and which it would be premature to discuss at the present conjuncture. Your Lordships will recollect that at the end of last month Lord Cowley went to Vienna. Before he left Paris he obtained the entire assent and approbation of the French Government to the mission he was to undertake, and he left Paris perfectly intimate with all the ideas and views of the French Government with respect to what is called the Italian question. He came to London, but he did not receive any instructions of an official character from Her Majesty's Government. He arrived in London and received from Her Majesty's Government, as my noble Friend very properly intimates, no instructions of an official character. He was only to ascertain from the Austrian Government what points they considered in the same light as the French, and in what way he might by the good offices of this country, assist in restoring those relations between France and Austria which were unfortunately in so critical a position. He proceeded to Vienna and there acted with all that sagacity and tact which my noble Friend has so justly ascribed to him, and which Lord Cowley has never failed to manifest in any public mission on which he has been employed. He was received by the Austrian Government with the utmost frankness and cordiality; and that frankness and cordiality pervaded all the communications which he had with that Government during his residence at Vienna. My Lords, he there did ascertain that there were points on which, by the good offices of England, the French and Austrian Governments might be induced to agree, and that there were points on which Count Buol declared himself ready to enter into communication with Her Majesty's Government, and with that of France with the view of removing those dangers which threatened Italy and Europe and of restoring the certainty of peace. Having thus accomplished what I must describe as a very useful and promising mission, Lord Cowley returned to Paris. On his arrival there on the 16th of this month he found that, during his absence, the French and Russian Government had entered into communication with each other, and that, with the consent and approbation of France, Russia intended to recommend to the Five great Powers of Europe a Congress to consider and settle these matters. On the 18th of this month Her Majesty's Government received from the French Ambassador here, official information that such was the intention of Russia; and Her Majesty's Government, on the next day, announced to the Russian Government at St. Petersburg their willingness, if such offer were made, to accept it, upon certain conditions, which were enumerated to the Russian Government. They therefore anticipated the official proposal which the Russian Government has since made. On the 23rd, Baron Brunow called upon me to announce, that not only had the Russian Government made this proposal as between the Five great Powers, but that the Russian Government had also accepted the conditions submitted by Her Majesty's Government. Since that time each of the Five Great Powers has consented to the Congress. But, although they are entirely agreed on the fact that there should be a Congress to discuss the affairs of Italy, and to accomplish a solution of the present critical complications, they are not yet agreed on the details of the subject and the composition of the Congress. Speaking, however, upon the information which I at present possess, I entertain no doubt, that in a short time, a perfect understanding will be come to on the matter. I do not scruple to say, that Her Majesty's Government are of opinion, considering that the subjects which are about to be discussed in that Congress, are intimately connected with the political and social happiness of the Italian people, that those States of Italy should, one and all, have an opportunity given to them of expressing their opinion, in some way or other, upon the subjects which will be there discussed. Our object will naturally be, not to impose—either upon the question of Reform or on any other point—any conditions upon the Italian States and people, but to recommend to them what we consider for their own benefit and for the safety of Europe. It may be some source of satisfaction to your Lordships to know that though the disarmament, which I should heartily wish to see take place immediately as preliminary to the Congress, is not yet decided on, yet that both Austria and Piedmont have formally made a declaration that they will not attack one another, and that they will abstain from hostilities. Therefore, unless some untoward and almost impossible accident should occur, we may hope that peace will not be broken, and that the Congress, which will probably assemble at the end of next month, will eventuate in those results which your Lordships and all Europe desire.

MANOR COURTS, ETC. (IRELAND) BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, that the Bill be now read 3ª.

THE EARL OF LEITRIM urged two objections to the measure; first, that it provided no compensation for the lords of manors, who by its operation would lose their present right of appointing the officers of the manor courts; and, secondly, that no case had been made out for interfering with the manor courts at all. The noble Lord moved, as an Amendment, that the Bill be read a third time that day six months.

THE EARL OF DONOUGHMORE said, that the disclosures made before the Committee of the House of Commons in 1837 proved to demonstration that there were in the constitution of those courts defects inherent in the system of such a character that it was impossible but that injustice should be wrought so long as they continued. He admitted that it was most unfortunate that the evil had not been corrected long ago; but the lapse of time had neither weakened the case nor removed the necessity for legislation. It was in the power of lords of manors to appoint any person as seneschal who could give security to the amount of £500, and though in some cases they had taken pains, in others they had shown carelessness in their selection. Then the class of jurors was objectionable. Many persons were in the habit of serving as jurors for the sake of the treat of liquor which they received from the suitors. In the next place, the plaintiffs were generally money lenders, the defendants people of the poorer class. The result had been, as broadly stated by the witnesses, that the cases were almost invariably decided in favour of the plaintiff. "Do you mean," one of the witnesses was asked, "that the plaintiffs always obtain verdicts?" "I don't mean to say that," he replied, "but I say this, that the plaintiffs win in ninety-nine cases out of one hundred." Another of the defects of these courts was that their patents were vague, many of them having never been translated out of the barbarous Latin in which they were originally drawn up. Disputes as to jurisdiction were constant; the seneschals being paid by fees of course had an interest in extending the limits of the manors; while, on the other hand, the defendants contending that the seneschals had overstepped their jurisdiction, often disputed the decrees, and the consequence was not unfrequently riot and criminal charges therefrom arising. Another objection was that the courts were often held in public-houses, and the juries had to decide without having the advantage of a retiring room, but sitting amongst the suitors, and amidst temptations to drink and riot. Many other objections might be urged to these courts, but enough had, he thought, been said to prove that Her Majesty's Government had exercised a wise discretion in proposing to abolish them altogether. In some places the bailiffs and officers of the courts were in the habit of acting as attorneys, and it appears that in one case a woman was in the habit, for a fee of one 1*s*., of undertaking the cause of one or the other party to the suit. He trusted that, for the sake of the dignity of public justice, their Lordships would consent to abolish these courts. As to the other objection raised by his noble Friend, that the Lords of these manors ought to be compensated for the loss of their rights of appointing the judges, how would the noble Earl measure the value of a right of nomination to an office which was paid, not out of fixed property, but which was remunerated by fees for services performed? If an officer received fees, what did he receive them for? For discharging certain duties, and the fees were only paid accordas he performed the duty. Let him cease to perform the duty, and from that hour he ceased to be entitled to fees. Then was the right of nomination to these offices worth anything? Was it worth a shilling? He confessed he did not think it was. Had he such patronage he certainly should refuse to exercise it. The right of nomination was worth nothing; and, therefore, the Lords of manors could have no possible claim for compensation. The question of compensation for the seneschals themselves was quite another thing. An appeal from the manor courts could only be brought now to the assizes; but by the present Bill an appeal would lie from the petit sessions courts to the court of quarter sessions, so that disputes might be settled more speedily and more cheaply. He trusted that their Lordships would concur in the third reading of a measure which would effect a great improvement in the law.

The Earl of BANDON hoped that the Amendment would be withdrawn, as he thought the Bill contained some beneficial alterations.

Viscount DUNGANNON said, the existing system was a mockery of justice. Disgraceful scenes of drinking, carousing, and riot often took place in the public-houses where these courts were held; and a great boon would result from the abolition of the courts in favour of the substitute provided by this Bill.

The Earl of LEITRIM made a few remarks in reply.

Amendment *withdrawn.*

Motion *agreed to.*

Bill read 3ª accordingly, with the Amendments.

Amendments moved, and *negatived.*

Bill *passed,* and sent to the Commons.

RAILWAY TICKETS TRANSFER BILL.

SECOND READING.

Order of the day for Second Reading read.

Lord REDESDALE, in moving the second reading of this Bill, said its object was to meet a grievance under which railway companies suffered with reference to the Transfer of Railway Tickets, one which had pressed more particularly on the Brighton Railway. The public enjoyed great advantages through the instrumentality of these return tickets, which to accommodate the public, were issued at a cheap rate, but which, owing to their being fraudulently transferred in the way they were, resulted in a loss to the company. The Brighton Company, in one of their own private Bills this Session, desired a clause should be inserted to correct this evil, but he (Lord Redesdale) objected to conferring on one railway the privileges another did not possess; but having considered the subject, he now proposed the present Bill, which would meet the case in connection with railways generally. At present the only remedy the companies have against parties committing this fraud is by civil action; the Bill renders it punishable by fine and imprisonment, in the same manner as other violations of the by-laws.

Moved, That the Bill be now read 2ª; *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at Seven o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, March 28, 1859.

Minutes.] Public Bills.—3° Petitions of Right; Affidavits by Commission, &c.

VOTE OF WANT OF CONFIDENCE.

WITHDRAWAL OF NOTICE.

Mr. W. O. STANLEY: I beg leave to give notice, that in consequence of the very explicit declaration made by the Attorney General for Ireland, in the course of the debate on Friday last, that he should consider a vote in favour of the Resolution of the noble Lord the Member for London as tantamount to a vote of censure, I shall withdraw my notice of a vote of want of confidence in Her Majesty's Government.

BONDING WAREHOUSES.

QUESTION.

Mr. HADFIELD said, he wished to inquire of Mr. Chancellor of the Exchequer if Government propose to give Bonding Warehouses to large manufacturing towns.

The CHANCELLOR of the EXCHEQUER said, that subject had been very much considered by the Government; and he had to state that it was not at present their intention to establish a system of Bonded Warehouses in the manufacturing towns.

THE LICENSING SYSTEM (SCOTLAND).

QUESTION.

Sir ANDREW AGNEW said, he rose to ask the Lord Advocate whether he is prepared to state the names of the gentlemen composing the Royal Commision appointed to inquire into the working of the Public Houses Act (Scotland), and whether the inquiry intended to extend to the whole licensing system in Scotland?

THE LORD ADVOCATE said, that as the names of the Commissioners whom it was proposed to appoint in that case had not yet received the sanction of the Crown, it would be irregular for him to communicate them to the House; and with respect to the second part of the question he had to state that it was proposed the inquiry should be as extensive as possible, and should embrace every subject which could fairly come within the scope of the labours of the Commissioners.

REPRESENTATION OF THE PEOPLE BILL.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask Mr. Chancellor of the Exchequer whether the plan of uniformity of franchise between Counties and Boroughs is considered by Government to form an essential principle of the proposed Representation of the People Bill, on which the fate of the Bill is to depend; or whether, on the contrary, it is only one of those details which, though forming part of the original suggestions of Government, is to be considered to be open to any alteration or omission in Committee which this House in its wisdom may determine upon?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answering the question of my hon. Friend, I would venture to call the attention of the House to the extremely inconvenient manner in which this Bill to amend the Representation of the People is debated. It is debated, if I may use the expression, wholesale and retail. We have had it treated wholesale for four nights in a debate which has been sustained on both sides with unflagging interest and unfaltering power; and I shall be perfectly ready, when the opportunity shall be afforded to me to vindicate the policy and to explain the intentions of Her Majesty's Government. I must however say, in answer to my hon. Friend, as I have already said in answer to a question from an hon. Gentleman on the other side of the House, that I cannot, within the scope of a fair answer, give the information which he desires. Speaking generally, I would say that we have placed before the House a measure which expresses the policy which the Government would recommend. If there are any Gentlemen who think that on the whole the disadvantages of the course which we recommend counterbalance or overweigh its advantages, it will be open to them to vote against the second reading of the Bill. That is the legitimate course. If the Bill goes into Committee I shall, on the part of the Government, listen to any proposition that is made on any Clause, in that spirit of candour which becomes the Government. If the decision at which the Committee arrives on any definite proposition is contrary to the course which the Government has recommended, then it will be open to us to consider that decision, and act in the manner which we think our duty justifies.

MAIL CONTRACTS.

QUESTION.

MR. COWPER said, that as some persons had, from an answer given by the right hon. Gentleman the Chancellor of the Exchequer a few nights ago, derived the impression that the Government were prepared to enter into a Contract for Mail Service without any reference to the House of Commons, he wished to ask the right hon. Baronet the First Lord of the Admiralty, whether he intends to commit the Government to the expense of a third Mail Service to North America, in addition to the two Mail Services, for which a sum of £176,340 is inserted in the Packet Estimate, before a Vote for this purpose can be submitted in Committee of Supply.

THE CHANCELLOR OF THE EXCHEQUER:—Sir, it is my duty to answer the question of the right hon. Gentleman. The Contract to which he alludes is not completed, but is at present before the Admiralty, for their consideration. That contract relates to a Service which would not commence this year, and therefore there will be no necessity to take a Vote on account of it.

MASTERS OF THE INDIAN NAVY.

QUESTION.

COLONEL FREESTUN said, he would beg to ask the Secretary of State for India whether it is proposed to grant to the Masters of the Indian Navy the same privileges regarding Pensions and Furlough to Europe which the other Officers of the Indian Service enjoy?

LORD STANLEY said, there could be no doubt that the position of the masters in the Indian navy was in many respects anomalous and unsatisfactory; but the question what steps should be taken to improve their condition was included in another and a much wider one, namely, what were the arrangements which should for the future be adopted with regard to the Indian mail. He was in communication with the Governor General upon that subject, and he expected shortly to hear from him; but in the meantime he could not undertake to answer the question of the hon. and gallant Member.

THE LOMBARDO-VENETIAN QUESTION.

EXPLANATION.

MR. **WHITESIDE**:—Sir, before the House proceeds to the Orders of the Day I have to ask its indulgence for a few minutes. At the close of the debate on Friday night the noble Lord the Member for Tiverton (Viscount Palmerston) said, that I had misstated the proposal made by the Austrian Government with reference to Italy in 1848, and that that offer was only that Lombardy should be constituted a Duchy, under the control of an Austrian Grand Duke. In consequence of the confusion occasioned by the departure of Members from the House, I have been reported to have said that I acknowledged I was mistaken. I made no such acknowledgment, nor do I intend to do so. On the 24th of May, which was a date subsequent to that to which the noble Lord referred, the following offer was made to him, as appeared from paper No. 377 among the documents relating to those occurrences:—

> "BARON HUMMELAUER TO VISCOUNT PALMERSTON,
>
> "London, May 24, 1848.
>
> "My Lord,—In conformity with the permission which you were good enough to give me, I enclose herewith a statement of the principles which would form the basis of an arrangement of the Lombardo-Piedmontese question."
>
> (Enclosure in No. 377.)
>
> "Lombardy would cease to belong to Austria, and would be free either to remain independent or to unite herself to any other Italian State she might choose."

To that communication the noble Lord replied on the 3rd June, that unless Venice was included he would not make that the basis of an arrangement.

REPRESENTATION OF THE PEOPLE BILL.

SECOND READING.

ADJOURNED DEBATE.—FIFTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment *Lord Stanley* was, to leave out from the word "That," to the end of the Question, in order to add the words—

> "This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. **EDWIN JAMES** said, he rose to state briefly the reasons why he should support the Resolution of the noble Lord the Member for the City of London. It was a very remarkable feature of this debate that not a single Member unconnected with the Treasury Bench had addressed the House who had not, to use the language of the Chancellor of the Exchequer, condemned, "wholesale and retail," the vital and substantial principles of the measure. The Resolution of the noble Lord the Member for the City of London, was directed against the three main principles of the Bill. It asked the House to affirm that the enfranchisement contemplated by the Bill was unsatisfactory and inadequate; that the proposed disfranchisement was unjust and a violation of the ancient constitutional franchises of the country; and that the non-extension of the franchise in boroughs doomed to disappointment a large and intelligent class of the community. How had the Resolution been met? It had not been debated merely upon its merits, but the hon. and learned Solicitor General, departing from the ordinary practice of Parliament, had thought it right to impute personal motives to its author. The country had been warned by the right hon. Gentleman the Secretary of State for the Colonies against Americanizing the House of Commons; but he thought that no more effectual mode of Americanizing the debates of that House could be adopted than that of introducing personal attacks into so grave and important a discussion as the present. When the hon. and learned Solicitor General rose on Friday to repel an insinuation made against him by the hon. Member for Dovor, showing that he was rather thin-skinned himself on the subject of personal attacks, he (Mr. Edwin James) certainly expected that he would express some apology for an imputation of motives inconsistent with the rules of that House, and which every one who knew the position and character of the noble Lord felt to be entirely unmerited. But, to pass from that point, he wished to enter his protest against the publication of a letter written by Earl Grey to the noble Lord the Member for Haddingtonshire (Lord Elcho) on the subject of the present Bill; because he (Mr. Edwin James) thought there could be no course more inconvenient than that upon the eve of a great debate in the House of Commons, a noble Lord, not reserving the expression of his opinions for the proper place and opportunity, should address a letter to a representative of the people in that House, which not merely suggested to him how to vote, but which told him that it might be made public for the purpose of influencing the votes of others, and which almost imputed factious motives to the noble Lord the Member for the City of London. That was a practice which was highly inconvenient. If the letter of Earl Grey had been written to any constituency, or any elector pending an election, it would have been an infraction of the Resolution which that House passed in 1802, declaring that no Peer should concern himself in an election; and, even as it was, he regarded it as a highly inconvenient and objectionable interference with the proceedings of the House of Commons. Lord Grey had written an *Essay on Parliamentary Government*, and while in his letter he suggested that the Government were the proper parties to introduce a Reform Bill, in his pamphlet he said that the only Government which could safely introduce a measure of reform, or any great constitutional change, was a strong Government, and not one existing only on the sufferance of a majority; and in the same work he quoted a speech made by Lord Derby in the House of Lords on the 8th of February, 1855, on the position of a Government existing upon a minority—existing, in fact, from the want of cohesion among the Liberal party.

> "My Lords, I can conceive no object of higher or nobler ambition, none more worthy of the anxiety of a true patriot and lover of his country, than to stand in the high and honourable position of the Chief Minister of the Crown and leader of the councils of this great Empire, assisted and supported by colleagues combined with him by unity of sentiment and mutual and personal respect, and with the knowledge that this and the other House of Parliament would give to such a Minister the assurance that, except on most extraordinary and unusual occasions, he would be enabled with life and energy to carry out his plans, and to mature and accomplish his objects, and practically as well as nominally control and govern the legislation and internal economy of this great country. On the other hand, to hold that high and responsible situation dependent for support from day to day upon precarious and uncertain majorities, compelled to cut down this measure, and to pare off that—to consider with regard to each measure not what was for the real welfare of the country, but what would conciliate some half-dozen men here, or obviate the objections of some half-dozen there—to regard it as a great triumph of Parliamentary skill and Ministerial strength to scramble through the Session of Parliament, and to boast of having met with few and insignificant defeats—I say this is a state of things which cannot be satisfactory to any Minister, and which cannot be of advantage to the Crown, or to the people of this country. But, my Lords, to enter on the duties of office, not with a precarious majority, but with a sure minority of the other House of Parliament—to be aware that from day to day you were liable to defeats at any moment by the combination of parties amounting to a sure majority and only waiting for the moment when it would be most convenient to introduce Motions for the attainment of such an end; to be a Minister on sufferance; to hold such a position without any security for enforcing your own views; with the fear of exposing your own friends and the country—your friends to perpetual mortification, and the country to constant disappointment—to undertake the responsibilities and the duties of office under such circumstances, and in such a state of things, would be such an intolerable and galling servitude as no man of honour or character would voluntarily expose himself to, and such as no man willingly would submit to, except from motives of the purest patriotism, and on proof of the absolute necessity of such self-sacrifice."—[3 *Hansard*, cxxxvi. 1336.]

There never, in truth, was anything so prophetic as the speech of Lord Derby in 1855 which spoke among other things of the necessity of unanimity in the Cabinet. It was a political photograph of the present state of the Government. So far from being unanimous, two Ministers had recently left the Cabinet, and the country had learned from their revelations that up to a few days before the introduction of the present Bill, there was no unanimity whatever in the Government upon its principal provisions. The right hon. Member for Oxfordshire (Mr. Henley), seemed to sit like Marius, looking down upon the ruins of the Administration which he had abandoned, and wondering how, during the death-struggles of his former colleagues, they could persist in attempting to thrust their Bill upon the House and the country. No better illustration of the weakness of the Government, and their unfitness to pass a Reform Bill could be found than the surprising speech of the noble Lord the Member for Tiverton on Friday night. The noble Lord told the right hon. and hon. Gentlemen opposite, that they would be defeated ignominiously on this Resolution, but that nevertheless they must proceed with the Bill; and he went on to say that they should carry out the Bill, not upon any definite principles of their own, but as the Committee chose to alter it; that it should still bear their name and responsibility, though it might come out of Committee utterly at variance with the Bill they had introduced; that they had accepted office "with its engagements;" that they would be defaulters if they did not go on; that they would not be allowed either to resign or to dissolve; for that if they attempted the latter they would be met constitutionally in reference to the supplies. No doubt the Chancellor of the Exchequer would give a proper reply to the noble Lord, but the scene of Friday night completely realized what Lord Derby shadowed forth in 1855; and that Government must indeed be weak which could listen to such parental advice. But it was a proof of their imbecility that the noble Lord the Member for Tiverton dared to propose to put a straitwaistcoat upon Ministers, and to expose them, pinioned and helpless, to the derision of the House and the country. Again, the right hon. and learned Member for Bute (Mr. Stuart Wortley) used a rather extraordinary argument against the Resolution when he said that those who voted for it would be guilty of disrespect to the Crown, although he himself had given notice of a Resolution directed against the very same points in the Bill as those which had excited the hostility of the noble Lord the Member for the City of London; and although the consideration of Reform had been recommended in the Speech from the Throne. Neither Resolution was disrespectful to the Crown, but certainly that of the right hon. and learned Gentleman was as much so as the one now before the House. What was the difference between voting to reject the Bill and voting against it by means of an Amendment? But to pass to the examination of the question immediately before the House—the merits of the Bill and the objections to which it was open. What were the two great principles on which the franchise of this country had always rested? The county franchise rested upon property and territorial right, disconnected from residence; and the borough franchise had invariably been residential. This was the ruling distinction between the two. The residential franchise was the original distinctive franchise of boroughs ever since Parliament began. It was so in ancient boroughs—in the *municipia*, which were borrowed from Italy, introduced into this country, and formed the safeguard and bulwark of the liberties of the people against the aggressions of the aristocracy and the Crown; and the Parliamentary franchise of boroughs, adopting the same principle, had invariably rested on residence. The second portion of the Resolution was directed against the violation of that principle, the Bill introducing a non-residential suffrage into all the boroughs of the kingdom. He perfectly agreed with the Chancellor of the Exchequer that mere population should not be the basis of the representation of this country, and that interests should be coupled with population; but he thought that the right hon. Gentleman wandered into a fallacy, because the moment there was an aggregation of numbers—when 20,000, or 30,000, or 40,000 inhabitants were collected in a town, interests were immediately created. You could not have a large population without manufacturing, commercial, and other interests arising. It was the old principle of borough representation, because the old writs went down to boroughs to summon Members when their population and trade increased, an interest being recognized as created by the aggregation and accumulation of numbers. He must say that the right hon. Gentleman the Chancellor of the Exchequer was a little infelicitous in the illustration of what was an interest when he alluded to the borough of Arundel, and said that the interests of 900,000 English Roman Catholics were represented by the Member for that place. The 900,000 English Roman Catholics who were supposed to find a representative at Arundel had their votes elsewhere in the various towns and boroughs in England. Arundel, no doubt, was represented by a noble Lord for whom they all felt the sincerest respect; but Arundel was little else than a nomination and close borough. He regretted that there were not more Members of that persuasion representing English constituencies, and that any feeling should exist which debarred men of the highest intellect and character from having seats in that House; but when the right hon. Gentleman said that Arundel represented the 900,000 Roman Catholics of England, his illustration was not happy and his statement was not accurate. He (Mr. Edwin James) would remind the House that from 1826 to 1832 Arundel was represented by a citizen "of credit and renown," Alderman Atkins—a most rabid Tory, who, no doubt, believed that he would have done God service if he had burned all the Roman Catholics, and who, until the last moment of his life, had a solemn fear that the Roman Catholics intended to burn him. Therefore it was a fallacy to say that the Roman Catholic interest was represented by Arundel. Why, it might just as well be said that the small borough of Calne formerly represented the literary interest while its Member was Lord Macaulay, and embodied the military interest now because it had selected at, the suggestion of a noble Marquess, a distinguished soldier fresh from the glories of Kars. Sure he was that the voters of Calne would be very much surprised if the agent of the noble Marquess who was supposed to influence the choice of that place were to tell them that to-day they represented the military interest, and that the other day they represented the literary interest. There was a portion of the present Bill which he did not regard as matter of mere detail, but essentially one of principle. He alluded to the provision respecting voting papers. The voting papers were an essential part of any scheme which embraced a large number of non-residential voters. The introduction of the words "lands and tenements" was a cunning device to extend this class of voters; for under this definition it would not be necessary to have a house at all, for a piece of land with a cow-house or pig-sty would be sufficient, and he believed that it had been decided that a piece of wall, against which the cows rubbed themselves, was a "tenement." The plan of voting-papers was a necessary complement to any such scheme of non-resident voters. This was not a mere matter of detail, but an essential principle of the Bill, which, so far from being a sincere Reform Bill, was nothing but a Bill of political retaliation. It was a Bill to give property more power by introducing into all the boroughs of England non-residential voters, and when the Chancellor of the Exchequer talked of the manufacture of votes he (Mr. Edwin James) predicted that, if the Bill passed, a vote factory would be immediately constituted for the manufacture of non-resident voters. The Attorney General for Ireland said that by the lodging-house and other provisions Marylebone obtained an addition of 15,000 voters. So would many other large constituencies on the one hand gain an addition of voters; but, on the other hand, there came the counterpoise, and a number of foreign voters, aided by the system of voting papers, would endeavour to return the Members for Marylebone and the Tower Hamlets. The right hon. Gentleman the Chancellor of the Exchequer endeavoured to draw an analogy between the voting papers in the Bill and the voting papers for guardians; but there was this distinction —that all the voting for guardians was carried on locally. The voter got the paper six or seven days before the day of voting; the police brought them to the House with the names of the candidates printed on them. But in the election for Members of Parliament the name of the candidate very frequently was not known until the day of nomination, and the polling commenced on the day following. He called on the right hon. Gentleman the Member for the University of Cambridge to show any provision in the Bill to remedy this defect. The voting papers under the Bill would form a mere machine for fraud and bribery and intimidation. A person intending to bribe might go to a voter and purchase his voting paper with the candidate's name on it, and then he had got the elector's vote snugly in his pocket; whereas at present a voter who was bribed might at the last moment break his promise. The system of bribery, therefore, would be rendered more complete under the Bill. He also contended that the voting papers would encourage intimidation, for a voter with the election agent on one side and his landlord on the other, and a third gentleman interested in the borough present, would hardly dare to refuse to sign the voting paper as he was desired. That this would lead to intimidation was the opinion of the noble Lord the Secretary for India, because in 1857, on the Motion of the noble Lord, the Member for Stamford (Lord R. Cecil), in favour of these voting papers, the noble Lord (Lord Stanley) said, "When I pass from this part of the question to the danger of intimidation, that danger would be infinitely exaggerated by carrying out the proposition of my noble Friend. What would be easier than to send an agent of a landlord or employer to the voter, who would insist upon his signing the voting paper in his presence. Even if he transmitted it through the post, it would not prevent this intimidation." Again, only a few days since a Bill was submitted to that House relating to municipal corporations, which provided that the system of voting by paper at municipal elections should no longer be continued, because it was attended with fraud. The right hon. Gentleman the Secretary of State for the Home Department (Mr. Sotheron Estcourt), assented to the repeal of that system, although at the Hustings in Wilts he defended the use of voting papers at Parliamentary elections. The system of voting papers was not a mere matter of detail, because as soon as they had non-resident voters they would have votes fabricated and brought into boroughs to counterpoise, as it had been fairly put, the interests of the boroughs themselves as against the mere interests of property. The system of voting papers was an essential part of the present scheme. The right hon. Member for the University of Cambridge (Mr. Walpole), seemed quite enamoured of that system; but he trusted that when the right hon. Gentleman had considered the arguments against the plan he would be satisfied that voting papers were not only utterly impracticable, but that they afforded a ready machinery for fraud and intimidation. The right hon. Member for Bute (Mr. Stuart Wortley) alluding to the subject of voting papers, had said, "Take the case of Marylebone; look at the number of voters who were unpolled; why, if you had had voting papers, the retired tradesman who did not vote under the existing system would have had recourse to them and would have recorded his vote." Now, would the retired tradesman of Marylebone, or any other borough, who would not be at the trouble to step out of an omnibus on his way to the city to record his vote, take the trouble of sending for a voting paper, of calling in two householders, and—as the right hon. Member for the University of Cambridge had suggested, as if to make the matter more complicated—of obtaining the attendance of a magistrate to witness the filling up of his paper? Let them imagine whether a drowsy voter of Marylebone who would not take the trouble to record his vote at the poll, would take the trouble of going in a cab to find the nearest police magistrate to authenticate his signature and then of transmitting it through the Post Office? Why, the system of getting voting papers properly signed and authenticated in this manner would be infinitely more troublesome than going to the poll. The other main principle of the Bill against which the Resolution of the noble Member for the City of London was directed was the great and vital question of the non-extension of the franchise. The hon. Member for Leicestershire (Mr. Packe) selected as an example the borough of Marylebone, which he would persist in calling "Marrowbone." He (Mr. James) had no objection to that pronunciation, but it was one which grated a little harshly upon a metropolitan ear. "Why," said that hon. Gentleman, "the industrial masses do not require an extension of the suffrage. Take the case of 'Marrowbone' at the last election, where, out of 21,000 electors, only 11,000 polled." [An hon. MEMBER: Ten thousand!] Well, 10,000, or 9,000 it was immaterial; but who were the voters who polled? The charge against the constituency of that borough and himself was that a rampant democracy had returned a democratic Member. Now, he had taken the trouble, as far as it was possible, to go through the polling list at the late election, and he found that the persons who exercised the franchise were the industrial classes and the small tradesmen, while the apathetic voters were what he might call the aristocracy or the moneyocracy of the borough. The apathetic class, then, was not the working class, but those who were in possession of the suffrage, and did not think it worth while to exercise it, and that argument, therefore, fell to the ground. Scarcely any hon. Member had addressed the House who had not been favourable to a considerable extension of the franchise. The two right hon. Gentlemen who had left the Government were both in favour of an extension of the franchise. Indeed almost the only speakers who were not in favour of a large extension of the franchise were the right hon. the Attorney General for Ireland, and the right hon. Gentleman the Secretary of State for the Colonies. The latter right hon. Gentleman said, "Are you going to extend the franchise to impatient poverty and uninstructed numbers? They do not want it. It will be dangerous to do so." The right hon. Baronet forewarned them of the danger of democracy, and of giving the industrial classes equal power with the middle classes of the country; and in a speech of great eloquence, which no doubt charmed the House, the right hon. Gentleman foreshadowed the danger which would result from the extension of the franchise to what he called "uninstructed numbers," and quoted a passage from Mirabeau's correspondence with the Count de la Marck, which, with all respect for the historical knowledge of the right hon. Baronet, had no great bearing upon this question. It was perfectly true that the aristocracy of France, had they remained, might have tempered the excesses of the French Revolution and preserved the Crown. But it was not democracy that destroyed the aristocracy of France, but it was the aristocracy of France who destroyed themselves. The aristocracy had for many years been guilty of the wildest excesses, and when the people rose, and the mighty volcano burst forth, a sudden retribution fell upon them, and instead of standing their ground faithfully by the Crown, they fled and left the Crown exposed to the storm. After the testimony which had been eloquently borne by the Chancellor of the Exchequer to the progress of education in this country since the Reform Bill of 1832, he (Mr. E. James) ventured to deny that there was any parallel between the working classes of England and the freed serfs of France, or that the French Revolution warned them of any danger to be apprehended from the extension of the franchise to the industrial classes. He thought the advice that they should not extend the franchise to "uninstructed numbers" came with somewhat ill grace from the right hon. the Secretary of State for the Colonies. How had they been treating the working classes since 1832? Had not dukes, and statesmen, and poets, and painters been lecturing to them, holding out to them the truths of science, cultivating their taste, and improving their intellect? And were they so blind as to think that while they were instructing the working classes upon these important subjects they were not teaching them their political rights, and attaching them to the exercise of political power? Why, the works of the right hon. Baronet the Secretary for the Colonies, which had added a new charm and lustre to the literature of the world, were now to be found in every cottage, in a cheapened form of publication. The right hon. Baronet had taught them in his *England and the English* that the safety of the country depended upon the political advancement of the people,—he had found them capable of understanding the mysteries of *Eugene Aram*, and he had put before them and had re-peopled to their imagination the ancient cities of Greece and Rome. Did the right hon. Gentleman believe, when the people had been educated in this way, that the "uninstructed numbers" were incapable of forming an opinion as to whether they should vote for a Conservative or a Liberal Member? He confessed that he thought such an argument ill became the right hon. Baronet, as he well knew that since 1832 every town had its mechanics' institute, almost every distant hamlet had its library, and not only had lecturers been hired to instruct the people in their political rights, but a struggle had been maintained among those of the highest position and attainments as to who, by lecturing to them, should cultivate their tastes or inform their judgments. "But," said the right hon. Gentleman, the Secretary for the Colonies, "who wants reform? Nobody wants it. Some persons whispered to me 'Let us have a very moderate Reform Bill.' There is apathy on that subject; there are no petitions; the country does not care a farthing about reform." That was the sort of argument with which reform was always met. If they were to have a political hurricane, as was the case in 1831—which Heaven forbid!—then the argument would be "Don't give way to the demands of the people now; they are in a state of too much excitement to undertake the subject;" but if the people were intelligent, patient, peace-loving, as they were at this moment, then it was said "Look at the apathy that exists about reform." He must warn the Government, however, not to mistake tranquillity for torpor, nor calmness for apathy. It was said that few petitions were presented to that House in favour of Reform. It was true that the House was not beseiged with petitions as was the case in 1832; and why? Because the state of circumstances was widely different—because the large manufacturing districts, such as Huddersfield, Leeds, Barnsley, Manchester, and Ashton, now had representatives in that House who expressed the views and wishes of the people much more intelligibly than could be done by petitions. The argument, therefore, that few petitions were presented on the subject was destitute of force. He did not think any statesman could for a moment doubt that there was a demand for reform —not for a wild, reckless, speculative reform; but for such a fair extension of the franchise as the two right hon. Gentlemen who had left the Cabinet told them might be safely granted. There had been foreshadowings of the Government which was to succeed that now in office. He felt indebted to the House for the kind attention with which his remarks had been listened to, and would sit down with one more observation. After the ironical, the witheringly satirical lecture delivered by the noble Viscount on Friday evening—a lecture to which, had they listened, the Government must have been weak and pusillanimous indeed—the Attorney General for Ireland, prompted probably by the Chancellor of the Exchequer, and with a courage which did him honour, stated that his colleagues would not adopt the offensive position which the noble Lord wished to create for them. If the Ministry, therefore, were defeated on the Resolution, as the noble Secretary for India had stated, political power would change hands. Now he cared not who was at the head of the future Government, but he was convinced that none would command the confidence of the country unless formed upon a totally different basis from that of previous Ministries. The noble Lord (Lord J. Russell) bore a great name ; he (Mr. E. James) had never, as far as he could help it, allowed that name to be mentioned in any society where he was present, without veneration and respect, and every assemblage of freedom-loving Englishmen ought to be prepared so to regard it. But politically the noble Lord's name had been tarnished by the exclusive Whig principles of the Governments with which hitherto he had been connected, and by the bad company he had kept. Following the sporting metaphor of the noble Viscount, the noble Lord, in forming a Government, must not take the family stud-book and see what Whig was related to such and such a Whig's grandmother before selecting men as Ministers ; he must not merely take into account lineage and kindred and descent, but must consider whether they were great statesmen or good debaters, or possessed thorough habits of business. Both noble Lords (Viscount Palmerston and Lord J. Russell) might profit by the example of the present Premier and the Chancellor of the Exchequer, who had not selected their colleagues merely because of kindred and relationship, but who had chosen a row of honourable men belonging to the same profession as himself — men who had discharged the duties of their office with the utmost courtesy to every one, and with the greatest ability. The noble Lord might take the example of the Chancellor of the Exchequer, who had achieved greatness in the face of every difficulty, and who to his honour had said in that House—"I am of the people, sprung from the people, and the press is my only escutcheon." Whigs, pure Whigs, like bustards in Norfolk, were fast dying out, and the noble Lord must form his next Ministry upon a wider and less exclusive basis. For example, there were men sitting around him (Mr. E. James) who represented great constituencies. Were they ever consulted upon political questions until Ministers received the usual flagellation immediately before a division ? If the noble Lord in constructing a Government appealed to public opinion, and relied on the people, they in return would place a generous confidence in him, and he might then treat with contempt the heavy accusation brought against him by the right hon. Gentleman (Mr. Horsman), and might rise superior alike to the petty intrigues of faction and the paltry cabals of party. Without such a reliance, the noble Lord would never regain the confidence which Her Majesty's Ministers had forfeited, nor stand for one hour at the helm which they were now compelled to abandon.

MR. BEAUMONT said, he could not pretend to the eloquence of the hon. and learned Gentleman who had just spoken, and must therefore appeal to the forbearance of the House while in plain and unvarnished language he endeavoured to explain the reasons which would actuate him in the vote he was about to give. He entirely concurred with the hon. and learned Gentleman that they ought not to bandy imputations of personal motives, and he therefore greatly deprecated the allusions of the Solicitor General to the noble Lord (Lord John Russell) ; but he would remind the hon. and learned Member that when he applied the term "imbecility" to the right hon. Member for Bucks who had led this House with ability for twelve months, he was hardly the man to take the Solicitor General to task for making personal imputations. He (Mr. Beaumont) would not in the least anticipate the defence which would be offered by his noble Friend (Lord Elcho) in respect of the letter which had been addressed to him by Earl Grey ; but he was bound to say of an absent Friend who had always treated him with kindness, that the attack which had been made upon Earl Grey was quite uncalled for ; and that that noble Earl had not infringed, or in any way intended to infringe, on the rights and privileges of the House of Commons. He wished now to allude to one or two personal considerations which would influence him in the vote he was about to give. During the seven years that he (Mr. Beaumont) had had the honour of a seat in that House, he believed that on no question had he ever deserted his noble Friend the Member for Tiverton; and if gratitude were not the expression of thankfulness for favours to come, the right hon. Gentleman the Member for Wells (Sir William Hayter) could say that his call had always been responded to, and that he (Mr. Beaumont) had always supported his noble Friend; and if, therefore, upon this occasion he presumed to differ from both the noble Lords the Member for Tiverton and the Member for the City of London, he hoped to show that it was on no light grounds. He fully recognized the necessity of being bound by party ties; but, entertaining as he did a deep and solemn conviction, he should be unworthy of the confidence of his constituents if he hesitated to go into the lobby with the Chancellor of the Exchequer. It had been said that there was throughout the country a great desire for Reform. He confessed that he could not see it. The hon. Member for Birmingham (Mr. Bright) went indeed on a provincial tour to get up an agitation, and to persuade the country that we were to have another Parliamentary Reform contest like that of 1831 and 1832. He ventured to say, however, without fear of contradiction, that this mission had totally failed. True the hon. Gentleman got large audiences; but if the noble Lord the Secretary for the Colonies, or the Member for London, or the noble Earl at the head of the Government, or any other man of commanding eloquence on any side, were to go down and lecture in the large towns of England, did the House think he would not have large audiences too? It must not be supposed that, because the hon. Member for Birmingham had addressed crowded meetings, his audience, as a consequence, stood pledged to adopt as their own the sentiments of the speaker. For his own part, he could not help thinking that the fact that large numbers had assembled together to listen to the speeches of the hon. Member furnished no indication upon which reliance could be placed as to the feelings which animated the country upon the question of Reform. He should next briefly advert to the Resolution of the noble Lord the Member for London, which he regarded as an ingenious and carefully worded trap—a trap, moreover, which did not affect the merits of the question with which it proposed to deal. When the right hon. Gentleman the Chancellor of the Exchequer laid the Bill under discussion on the table of the House, great doubt arose in the minds of some hon. Members as to how it should be met. Some were of opinion that the best course to pursue would be to propose a direct negative on the second reading; others were of opinion that it was desirable to proceed by way of Resolution. A hole—a tolerably large one, he admitted—was accordingly picked in the Bill. That portion of it which related to the disfranchisement of the 40*s.* freeholders was selected, and a Resolution condemnatory of the Government proposal upon that head had been drawn up. The idea, however, struck the framers of the Resolution that Her Majesty's Ministers might possibly give way upon the point; and it had, consequently, been deemed expedient to word the Amendment so that the Government could not possibly accept it. Such was the spirit in which the Resolution seemed to have been framed. It went on to affirm the policy of extending the borough franchise, and, thus ingeniously devised, it had been submitted to the notice of the House. The opinion, therefore, which he had formed with respect to it was that it was a trap, which did not deal rightly, straightforwardly, or sincerely with the merits of the question; and, believing that to be the case, he should vote against it. The hon. Member for Sandwich (Mr. Knatchbull-Hugessen) said that the introduction of the Bill was itself a sufficient invitation to discuss the measure, and that before they read it a second time they should be prepared to assent to its main principle. Now, there had been a great deal said with regard to the principle of the Bill, and it was a subject, he was free to admit, on which there might be some doubt. He could not, however, regard it otherwise than as a great boon that the proposal of his hon. Friend the Member for East Surrey (Mr. Locke King), for which he had frequently voted, should be carried into effect, and he regretted, now that there was some prospect of that being the case, his hon. Friend should seem somewhat shy with reference to the realization of his views on the subject. He might now be permitted to say a few words upon the question of the uniformity or identity of franchise. It was a point with regard to which, when his hon. Friend had last year and on previous occasions moved the extension of the franchise in counties, very little had been heard. The objection which was raised to the Bill before the House upon that score, therefore, was, he could not help thinking, rather an after-thought than one founded on a decided disapproval of the principle of uniformity. But be that as it might, there was one feature in the scheme of the Government to which he was altogether opposed—he alluded to the disfranchisement of the 40*s.* freeholders. How a Conservative Ministry could be so rash as to make such a proposal he could not understand, indeed, there were several counties in which the feeling of that class of voters was extremely favourable to the Conservative party. It might in the first election or two strengthen the Conservative interest, but the effect could not last. The proposal was most impolitic and unwise, and he was glad the Chancellor of the Exchequer had consented to withdraw it. The option which the right hon. Gentleman now proposed to give to them to vote in respect of their tenure for either the county or the borough he looked upon as introducing a somewhat novel and doubtful principle into our representative system, and one to which, if once sanctioned, it would, he feared, be found rather difficult to fix a limit. They might extend the option system to all parts of the country, until they had the men of the south choosing to vote for the north, and the north for the south. There was another question—that of the voting papers—which appeared to him more a question of principle than detail. Notwithstanding the objections urged he could not help thinking that under proper limitations they might be resorted to in the case of electors residing at a certain distance from a polling place, and that under a judiciously regulated system ample security might be taken against the commission of forgeries. He wished also briefly to advert to the ballot. He had always voted against it, and it was his intention to persevere in the same course. He must, at the same time, observe, that he was not sure that if the franchise were very largely extended it might not be found expedient to introduce the ballot with the view of protecting the working classes against the operation of trade unions. That point, however, was one which it would be premature to discuss on that occasion; but, as a strong feeling in favour of the ballot seemed to be springing up in the country, it might not, he thought, be unadvisable to consider whether it might not be resorted to in certain cases with advantage, by enabling any voter or any constituency who wished for secrecy to secure it in some way through the machinery of voting papers. With respect to the question of the extension of the borough franchise, he could only say that it was one upon which he wished for the present to give no pledge. It was impossible to discuss the question of reform fully and fairly upon a Resolution such as was proposed by the noble Lord; and he thought it much better that they should be allowed to go into Committee. There were many points in the Bill upon which he should desire to hear the opinions of statesmen who had made themselves masters of such subjects, such as the enfranchisement of lodgers and the so-called "fancy franchises;" and which he thought were well worth the attention of the House in Committee. For those reasons, among others, he should, with regret, but without hesitation, give his support to the Government upon this occasion.

LORD ELCHO said, that although the Resolution of the noble Lord referred to only two points of the Government Bill, the whole question submitted to the consideration of the House was of the most momentous nature. He should, however, have abstained from taking part in the present discussion had he not been so pointedly referred to by the hon. and learned Member for Marylebone. The future Solicitor General had done him (Lord Elcho) the honour, as the late Secretary to the Admiralty had previously done, to refer to a letter which had been addressed to him by a noble Earl (Earl Grey). He did not propose to defend that letter against the criticisms of the hon. and learned Member. The character of the noble Earl in question stood too high to need defence, and he bore a name which upon this question, at all events, ought to have some weight. If, then, bearing that name the noble Earl had felt it his duty upon this question to take, perhaps, a somewhat unusual course, and to express in writing his views upon reform, that fact only showed how deeply he felt the importance of the question, and the gravity of the error which the noble Lord opposite and his friends were committing in the course they were pursuing. He (Lord Elcho) did not say how far he agreed with the opinions of the noble Earl, but he did maintain his perfect right to express his views upon this subject; for otherwise it would come to this, that upon great subjects of importance upon which the House of Commons were engaged, the Peers of England would be the only persons excluded from expressing their opinions in any legitimate and convenient form. He would just call the attention of the House to the course taken a few days back by the hon. Member for Edinburgh (Mr. Black), who thought it right, notwithstanding his knowledge, that within two days he would have an opportunity of discussing a particular question in the House, to write a letter to *The Times* newspaper expressing his views upon the question; and the right hon. Member for Coventry (Mr. E. Ellice) had written a letter to his constituents on this very subject of reform, and got it published in the newspaper. The hon. and learned Gentleman (Mr. E. James) had also referred to a work of the noble Earl, in which he expressed an opinion that the question of reform ought not to be dealt with by any Government that might happen to be in a minority in the House of Commons. He (Lord Elcho) concurred in that opinion, and thought it was a mistake for a Conservative Government to attempt to touch that question at all. They made a mistake in taking the Government "with its engagements," and in their place he would have "paid forfeit." They made a great mistake and showed a great want of knowledge of human nature; for they should have known that, as soon as they laid the Reform Bill upon the table, the Liberal opposition would out-trump it, whatever it might be. Before proceeding to consider specifically the Resolution before the House, he would refer to the great question of the representation of the people. The hon. Member for Birmingham (Mr. Bright), in the last of a series of conciliatory speeches which he had delivered outside the House said that "No man dared to raise his voice and say he was opposed to reform." Now, he (Lord Elcho) had no hesitation in saying that if by reform were meant organic changes in our constitution, or any very great changes, he for one could not see the necessity for them. He spoke as a practical man, and without denying the expediency of remedying any anomalies in practice, he repeated that he saw no necessity for great changes being made in the existing constitution. To justify such changes, there must be one of two things—either the legislative machine must work ill, or there must be an earnest desire for the franchise on the part of the unenfranchised, which, if neglected, might be expected to lead to discontent that would be dangerous to the State. No one would maintain that there was upon the first ground any necessity for change. So far from the legislative machine working badly, the noble Lord the Member for London, in resisting Mr. Hume's Motion for the "little charter" in 1848, expressly referred to its excellent working, and said that since 1832 it had performed its functions most admirably, and advised the House to leave well alone. Now, if the machine was working well, it would be in the highest degree unwise to take it to pieces, especially when it was uncertain in what form it might be reconstructed. He agreed with an epitaph that was used as a motto to a pamphlet which most hon. Members had seen—"I was well; I would be better; and here I lie." Then, if there was no necessity upon the first ground, was there in the country, he would ask, that earnest desire for reform which would justify them in taking the legislative machine to pieces? He denied that there was such desire. The noble Lord the Member for London in withdrawing his Bill in 1854 stated that he did so because there was so little feeling in the country for reform. The hon. Member for Birmingham (Mr. Bright) in his speech to the House had drawn a graphic picture of the preparations made in 1848 at the Bank and the British Museum as evidence that the people were discontented; but he (Lord Elcho) drew a different conclusion from that of the hon. Member. He maintained that the events of the 10th of April showed how a contented and well-governed people would rally round the constitution when it was threatened by the Physical Force Chartists and Univeral Suffragists. The constitutional demonstrations upon that occasion were not confined to any class, and, having himself served as a special constable, he could state from his personal knowledge that dukes, lords, tradesmen, and artisans joined together to preserve institutions under which they alike enjoyed the fullest freedom and, generally, prosperity. If the hon. Member for Birmingham had been present, he would have asked the hon. Gentleman whether he was satisfied with the results of his winter campaign. It was notorious that he was not, and a saying was attributed to him that he found he was "flogging a dead horse." If that were so, why did the hon. Gentleman take such pains to endeavour to set class against class? Why did he make such attacks—he might say libellous attacks — upon the aristocracy of his country? In these attacks the hon. Member met with no sympathy, because the English were a free, well-governed, and truth-loving people. Although they did not see the British constitution, they felt its benefits, and they did not believe that all our laws were passed for the support of a selfish oligarchy. They did not believe that in twenty-five years one million of paupers had died, victims to the rapacity of the English aristocracy. He (Lord Elcho) did not stand up to resist any change in the electoral system. Resistance to Reform became difficult when the noble Lord (Lord John Russell), after resisting all change in 1848 because the legislative machine was working well, thought fit to come down to the House in 1851 and say that, as twenty years had elapsed since the last Reform Bill, it was time to pass another. The noble Lord then thought it necessary to guard himself against the suspicion of being actuated by personal motives. God forbid that he should impute personal motives to the noble Lord, who, no doubt, thought the step he was taking was the right course to pursue; but surely it was hardly a good ground for pulling to pieces an ancient constitution, such as ours, to say that twenty years had elapsed since a similar operation had been performed. In the life of an individual twenty years, or even seven years, might be a long time; but in the life of a nation, and in a discussion having reference to freehold properties going back to the days of William the Conqueror, and to franchises as old as the reign of Henry IV., such a period was as nothing. But when he recollected some of the remarkable events in the political life of the noble Lord—his celebrated Durham letter—his anti-corn-law letter—his resignation from the Aberdeen Administration, although God forbid that he (Lord Elcho) should impute any unfair motives to the noble Lord; but when he recollected that the noble Lord had so often astonished his colleagues in the Cabinet, who received the first intimation of the noble Lord's independence of action upon reading *The Times* at their breakfast table, he (Lord Elcho) confessed he was often at a loss to account for the noble Lord's political movements. Now, considering the position in which the Government were placed in relation to the measure now under discussion and in the circumstances in which the House was now placed they had only one course to take—that was to settle this question, and to settle it without delay. And, wishing to see its rational and speedy settlement, he saw no other alternative open to him as an independent Member, unconnected with party, than to vote against the Resolution of the noble Lord, and in favour of the Bill of Her Majesty's Government. The Resolution of the noble Lord, as he had observed, referred to only two points of the measure. He agreed with the noble Lord in thinking that the Government had acted unwisely in respect to the 40*s*. franchise: the Resolution of the noble Lord had, however, this good effect—that it had elicited from the Government the expression of their willingness to listen to any reasonable propositions that might be made in Committee upon the Bill. After the speech of the Secretary to the Treasury the other night, and, indeed, after the answers given by the Chancellor of the Exchequer himself to questions that had been put to him, nobody could doubt that the Government were prepared to listen to any reasonable proposition in regard to this point. In reference to the other point of the noble Lord's Resolution—namely, that regarding the reduction of the borough franchise—he (Lord Elcho) concurred with the noble Viscount the Member for Tiverton in thinking it was a grave question to consider whether it was desirable to reduce the borough franchise at all. They should be careful, in dealing with this particular question, that they did nothing calculated to lower the character of that House, or to make it approach to the condition of a vestry—say, that of St. Pancras, for example. The House of Commons had been regarded as the first assembly in the world—an assembly of free English gentlemen. As such he hoped it would long continue, so that every man who entered it might be proud of the position he occupied. But there were those in that House whose feeling was of a different nature. His attention had been called to a speech delivered during the recess by an hon. Gentleman who had travelled much and seen many men and many lands, whose

> —— "Observation, with extensive view,
> "Surveyed mankind from China to Peru."

He alluded to the hon. Member for Plymouth (Mr. White), who, he regretted, was not in his place. Addressing his constituents on the subject of reform, that hon. Gentleman had said he was always happy to do his duty by them, but that they had sent him to a place where they kept very late hours, and where he met with very bad company. Out of consideration for the hon. Gentleman's feelings they ought to take care not to make the company that he how found bad even worse. Another reason why it was not desirable to reduce the borough franchise, and which had not yet been touched upon in that House, was this —that there was going on insensibly a gradual lowering of the franchise consequent upon the gradual fall in the value of money. ["No."] If any gentleman doubted the extent to which this process had gone and was likely still to go, he would refer him to the work of M. de Chevalier, which had been edited by Mr. Cobden. This question had also been ably argued by one of the best newspapers published in Scotland—he meant *The Scotsman*—which said:

> "Between 1832 and the present time the rents of houses in burghs may be estimated as having risen not less than about 30 per cent; taking it at only 25 per cent, which is certainly below the truth, the £10 franchise of 1859 is equivalent to about a £13 franchise in 1832; or, to express it otherwise, the franchise of to-day amounts, in the money and language of 1832, to a franchise of £7 10*s*. The Reform Act of 1832, instead of fixing the qualification of voters in all time coming, fixed a sliding scale of qualification dependent upon the value—*i. e.*, the purchasing power of money; and, as this has for centuries been diminishing, the elective franchise is reducing itself perpetually, and coming from year to year within the reach of a lower and lower class of persons."

This was an important point which ought not to be omitted from their consideration. The 40*s*. freeholders, when first established, were nothing like the class of persons who now come under that denomination, the difference between them being attributable to the great fall in the value of money which had since then taken place. While acquitting the noble Lord the Member for London of all personal motives, he, nevertheless, could not but regard his Resolution as a party move, taken not, indeed, with any view of individual aggrandizement, but to catch the most votes he could, for the purpose of defeating the Bill, and turning the present Government out of office. He could not look upon it in any other light, because the Resolution referred to points in the Bill which might be dealt with more conveniently in Committee, because, as the right hon. Member for Stroud had shown, by the insertion or elision of a few lines, the measure might be made to correspond with the views advocated by the noble Lord. He was only saying publicly what every man said in private when he asserted that but for this Resolution the second reading of this Bill would be carried, and such Amendments afterwards made as were considered desirable. Many of those who now supported the Resolution had at first intended to vote for the Bill; and the reason they gave for this was that they could not vote against a Resolution affirming propositions which they knew to be true. He quite admitted that; but it in no way affected his argument. That was the truth, but it was not the whole truth; and he thought that instead of voting for the Resolution on account of those points they ought to decline voting on that question, but to support the second reading, and wait for the Committee on the Bill, in order to deal with it in the way they really desired. But, the object and purpose of the noble Lord's Motion were notorious, and hon. Members who were really anxious for a settlement of this question should not support it. If the question had been simply whether the second reading should take place or not, the Bill would infallibly have been carried. ["No!"] He said, "Yes." The right hon. Member for Coventry, who had also written a letter, argued against the Resolution, and in favour of the Bill; yet he was about to vote for the Resolution, saying at the same time that he would vote for the second reading afterwards. It was not his (Lord Elcho's) place to defend the Solicitor General, who had been attacked for describing this as a party Motion, made for party purposes. ["No, no!"] Well, he was charged with saying that it was framed with party purposes. Were not those who had censured that hon. and learned Gentleman themselves liable to a similar censure? Who were they? The first was his hon. Friend the late Secretary of the Admiralty (Mr. B. Osborne); and when he read that hon. Gentleman's speech he was filled with astonishment at his censures upon this point, because he thought he could remember observations of his which were equally open to reproof. Since then he had refreshed his memory upon the subject, and he found that at a meeting of his constituents at Dover, about two years ago, the hon. Gentleman thus expressed himself:—

> "The electors had, like himself, probably been much astonished at what had lately occurred. When the present Parliament met no cloud was apparent on the political horizon; but what had occurred? Probably one of the most remarkable men of this or any other day, instigated by passion—possibly by disappointment, possibly by ambition—a man who to the endowments of Ignatius Loyola added not only the tongue of a Demosthenes, but the impulses of a Red Indian, for he scalped his enemies—had organized a very serious opposition to Lord Palmerston. He referred to Mr. Gladstone. Mr. Gladstone had coalesced with that versatile and very able gentleman, Mr. Disraeli, for the purpose of expelling Lord Palmerston from power."

His hon. Friend asked the Solicitor General how he dared to impute motives, how he dared to do this, and how he dared to do that. He would ask his hon. Friend how he dared to say that his right hon. Friend behind him was "instigated by passion, possibly by disappointment, possibly by ambition;" how he dared to say that the right hon. Gentleman the Member for Oxford was a Red Indian. Leaving the hon. Gentleman to the tender mercies of the Red Indian, he came to a more important person, his noble Friend the Member for Tiverton. The speech of his noble Friend from which he was about to quote also referred to the China question. He was absent from England when that subject came before the House; but had he been present he should certainly have voted with his noble Friend. No man entertained a higher opinion of the noble Lord than he did. He had the happiness to enjoy his private friendship, and as a public man he looked upon him as one of the most hon. and high-minded statesmen that we had in this country. He was a man who had been hardly dealt with, hardly dealt with by his Friends, and in the case to which he had been referring he should have voted with him, because his conviction was that at that time the noble Lord was maintaining the honour and character of England, and standing by men who had endeavoured in distant lands to do their duty to their country. But when his noble Friend censured the Solicitor General for the personality of his attacks he would refer to his election speech on the hustings. [*Cries of* "Oh, oh!"] If hon. Gentlemen objected to his quoting the speech, perhaps they would not entertain the same objection to his reading a passage from the noble Lord's address to his electors at Tiverton, after he had dissolved Parliament. In a speech a man very often said things hastily of which in his cooler moments he repented; but in the case of an address penned in the quiet retirement of the back garden of Cambridge House there was no excuse for haste, and what were the recorded opinions of his noble Friend as to the conduct of his political opponents upon the China question? He said:—

> "A combination of political parties, not till this last Session united, carried a Resolution declaring the course pursued by our officers in China unjustifiable, and consequently censuring Her Majesty's Government for having approved that course. Will the British nation give their support to men who have thus endeavoured to make the humiliation of their country the stepping-stone to power?"

Although there might be things in the speech of the Solicitor General which had better not have been said, he maintained that it contained nothing the personality of which had not been exceeded by his hon. Friend and by the noble Lord opposite; and this showed how careful people ought to be as to what they had said themselves before they undertook to censure others. Passing now from the Resolution to the Bill, he should support its second reading, although by doing so he did not pledge himself to support the details of the measure. He looked upon the Bill as embodying a general principle of dealing with the question of reform, and should leave its details, as they ought to be left, to be settled in Committee, as had been so forcibly recommended by the right hon. Baronet the Secretary for the Colonies. This course, however, did not suit noble Lords and hon. Gentlemen opposite. They said that the Bill was so vicious that it contained principles to which they so strongly objected, that they would not read it a second time, and would not go into Committee upon it. It was a pity that they should not be consistent in the mode in which they dealt with the Bills which came before them. On Wednesday last the House was occupied with the question of the second reading of a Scotch Bill, the object of which was ["Oh, oh!" and "Question."] He had no doubt that hon. Gentlemen opposite objected to hear of this Bill, the whole object and purport of which was—["Question!"]

MR. BLACK rose to order, and inquired whether, if the noble Lord gave his view of the Question which was before the

House on Wednesday he should be entitled to reply to him.

MR. SPEAKER said, that it would certainly be out of order for the noble Lord to refer to the details of a Question which had been decided on a previous day.

LORD ELCHO said, that the object of the Bill to which he was going to refer was the disestablishment of the Established Church of Scotland ["Question, question!"]; and noble Lordsand hon. Gentlemen opposite voted for its second reading, stating that they disapproved the mode in which the question was dealt with, but that they approved the general principle, and would endeavour to amend and alter the Bill in Committee. He was sorry that the Speaker had ruled that he was out of order, but he thought the House would see that his illustration was thoroughly apposite, and that noble Lords were about to do to-morrow, or on whatever day the House divided on this Question, the very reverse of what they did on Wednesday last. He did not intend to weary the House with any lengthened defence of the Bill, but he could not view its principle as being one of uniformity. That was a question for discussion in Committee; but this was a Bill for amending the representation of the people, based upon a principle which he believed to be a sound one—namely, that that representation should rest, not upon population, not upon property alone, but upon interests. He saw many excellent points in the Bill, to which he should be ready to give his assent. The noble Lord the Member for Tiverton himself said on Friday night that there were many good points in the Bill, and there was nothing of which he disapproved, except the uniformity; he agreed with the Government as to the borough franchise, but doubted whether in counties it was desirable to reduce it so low as to £10. It was said that this Bill would not effect a settlement of the question. What was meant by a settlement of the question? Did the Reform Bill of 1832 itself settle the question? He meant settle it so that the question of further constitutional reform was not to be agitated in this country. Why, since 1832 there had been made in that House no less than thirty-five grave reform Motions, affecting the constitution. In 1832 there was one for the ballot and the shortening of Parliaments; and in 1837 there were no less than seven with the same objects. They might rest assured that whatever measure they might pass, there would always be in that House men calling themselves an "advanced party," men in favour of progress they knew not whither, men who sought to magnify themselves by the magnitude of the questions they took up, who would bring forward motions for the further extension of the suffrage. What was the main argument of the noble Lord the Member for the City when he replied to Mr. Hume upon the occasion to which he had already referred? The noble Lord first alleged the well-working of the Parliamentary machine, but his main argument was that even the Motion of Mr. Hume, which was for the "little charter," would not satisfy those who were in favour of universal suffrage. If, therefore, the present Bill could not settle the question, he wanted to know what could. Since 1832 there had been presented to Parliament for an extension of the franchise 11,033 petitions, signed by 360,986 persons; but there had been presented during the same period 1,278 petitions for universal suffrage, signed by 2,130,522 persons. This showed pretty clearly that no measure of reform which that House would pass was likely to "settle the question;" and that whatever measure might be passed now, some hon. Gentleman would in all probability rise next year and move for a further extension of the suffrage. But even universal suffrage would not satisfy every one. The hon. and gallant General the Member for Westminster (Sir De Lacy Evans) objected to manhood suffrage because it did not enfranchise independent women. Would the hon. and gallant Gentleman define what he meant by an "independent woman?" Probably he applied that term to ladies with strong minds and ugly faces. The hon. Member for Oldham (Mr W. J. Fox) held the same opinion; and therefore even universal or manhood suffrage would not please all parties. But the chief objection to this Bill was that it did not enfranchise the working classes. When the Bill was introduced it was described by the noble Lord the Member for the City as unsatisfactory, inasmuch as it did not extend the franchise to "the great body of the working classes." This was a very serious question. Would the noble Lord explain what he meant by that phrase? He was sure the noble Lord would not indulge in claptrap statements or deceive the working classes by saying that "the great body" should be enfranchised; but, as he read English, the words "great body" must mean the majority, and was the noble Lord prepared to enfranchise the majority of the working classes? If he was, it was to be hoped he would find few men ready to go with him. He could say, for his own part, that no man entertained a higher respect for the working classes than he did. He admired their industry and integrity; but he was not prepared to hand over the government of the country to them, because the enfranchisement of "the great body of the working classes" would be practically the disfranchisement of every other class of the community. He was not prepared to hand over the government of the country to the tyranny of trades unions, which of all tyrannies was the most grinding and intolerable—a tyranny greater than that of any despot in Europe or of any mob in America. But he was anxious to see the best educated and most intelligent of the working classes admitted to the franchise. The difficulty was how to exclude the ignorant mass. He believed the Government had done wisely, instead of simply lowering the franchise to £5 or £6, and thus opening a door which would let in Heaven knew what, in proposing the lodger and savings' bank qualifications. He held in his hand a return from the Newcastle savings' bank of the depositors of a particular class in that bank, which showed that the savings' bank clause was not such a cipher as it suited the purpose of hon. Gentlemen opposite to represent it. The number of depositors of £60 and upwards, exclusive of females, was 1,198, and of these 945 were of the artisan, or working class. [Mr. Roebuck: How many of them have votes already?] It was impossible to ascertain that with certainty; but the impression was, as far as could be ascertained, that the great majority were not at present voters. There was little doubt that the greater part of them had not votes in the borough, but it was possible that a few might have 40*s.* freeholds and vote upon them in the county. The result was that to the Newcastle constituency alone, which was at present under 600, the savings' bank clause would add 945 new electors. He had no more to say upon the subject of the Bill, but he could not sit down without referring to the probable consequences of the coming division. It seemed to him that if the Resolution were carried there were but two alternatives for the Government—a dissolution or a resignation. A third course had, indeed, be suggested by the noble

Lord Elcho

Lord the Member for Tiverton and the right hon. Gentleman the Member for South Wilts, who had endeavoured to build a bridge for the Government to cross by asking them to withdraw the Bill. But it appeared to him that the noble Lord and right hon. Gentleman in exercising their ingenuity to construct a bridge had only succeeded in raising three spears in the form of a yoke, through which no Government consistently with honour could pass. Might he venture to suggest to the noble Lord the Member for London a fourth course, which, at all events, would have the merit of originality? Ingenuity, as he had said, had been shown in the erection of a bridge. There was a much simpler way of proceeding—let off the water. The obstruction which they were attempting to bridge over for the Government was not a natural one; it was a muddy mill-race of their own contrivance, intended to turn the wheel of party; and therefore he said again, let off the water—withdraw the Resolution. ["No, no!"] He saw that his proposition was not received more favourably by those for whom it was made than that made by his noble Friend and the right hon. Gentleman on behalf of the Government. He was afraid that neither Bill nor Amendment would be withdrawn. It would not suit the game of noble Lords and hon. Gentlemen opposite to withdraw the Resolution; while it would be inconsistent with the honour of the Government to withdraw the Bill. The only alternatives, therefore, in the event of the Government being defeated, were a dissolution or a resignation. He could add nothing to the strong and eloquent terms in which the right hon. Member for Cambridge University (Mr. Walpole), and the right hon. and learned Member for Bute (Mr. Stuart Wortley), had depicted all the danger which might arise from a dissolution. Such a course could not be too strongly deprecated, having regard to the excitement which a general election would give rise to at the present moment; but if the Government felt inclined to adopt it he knew not what power the House had to prevent them. He knew not whether such a course would be regular, but he, for one, would gladly vote for an Address to the Queen, praying Her Majesty to refuse her assent to a dissolution. The other alternative, a resignation, implied the formation of a new Government. What was to be the nature of that Government? Was it to be a Government presided over by the noble Lord the Member for Tiverton? If so, he should have no objection to it. He had listened with pleasure to the speech of the noble Lord on Friday night, and, having the utmost confidence in the integrity of the noble Lord, he believed that any Reform Bill which he might bring forward would be conceived in the spirit of that speech, and would be such as to give satisfaction to all moderate men. But the confidence which he had in the noble Lord was only equalled by the disgust which he saw depicted on the faces of many hon. Gentlemen opposite during the speech of Friday night. He did not see the hon. Member for Birmingham in his place, but he watched the play of his countenance while the noble Lord was speaking, and could state that his face twitched, he sat uneasy in his place, and at last was fairly driven out of the House. The speech of the noble Lord fell like a shell among the benches opposite; there had been no astonishment like it since Balaam stood up in high places, and when he was expected to curse simply gave blessings. But the noble Lord was not the first to whom the construction of a Ministry might be entrusted. The construction of a Government might fall to the lot of the noble Lord the Member for London; but he had not the same confidence in that noble Lord as in the noble Member for Tiverton. He knew not to what extent the noble Lord the Member for London might be inclined to adopt the advice of the hon. and learned Gentleman opposite, and whether he would be disposed to bring the hon. Member for Birmingham into his Cabinet, and make the hon. Member for Finsbury his Vice-President for Education; he knew not whether the noble Lord would give to the right hon. Member for Wells the hon. Member for Walsall as a colleague. He (Lord Elcho) most certainly dreaded the formation of any Government which should be established on such a basis as that which under present circumstances, could alone form the foundation in which the noble Lord could proceed. He should look on any reform introduced by such a Government as laying a foundation for Americanizing our institutions; and he hoped that all who valued the English constitution would join together in rejecting the Resolution, which, as had been truly said, unsettled everything and settled nothing, and which deferred this question of reform, making in the meantime agitation rife throughout the land. Why could they not endeavour to effect a settlement of the question by accepting the Bill of Her Majesty's Government? If hon. Gentlemen opposite could, when the interests of England and the political inheritance of their children were at stake, lay aside party feeling, he would ask them to listen to words of warning addressed to them last year by the hon. Member for Birmingham. The hon. Member said one evening, when there were few Members present, and his speech therefore did not attract much attention:—

> "Every man who goes to your Colonies repudiates your policy, repudiates your debt, and thanks Heaven that at last he has found a country where industry can have its reward, and where men calling themselves statesmen are not using every engine of Government to deprive him of the produce of his industry, and to diminish the comforts and independence of his family."

But this was the part to which he (Lord Elcho) wished more particularly to draw attention:—

> "And you, landed proprietors of England, remember that however many of your countrymen may emigrate your acres remain, and you will have by and by a different tone in this House after another reform in Parliament. Your succession duties will be overhauled, and will not be got rid of so easily as at present. Your property-tax, which you are assisting the Chancellor of the Exchequer to throw over, will come back in an increased proportion. Rely upon it the course which we have pursued for some years has been foolish and wicked. By casting unfair burdens upon the people you will create among them a spirit of discontent and disaffection, and when they have the power, as they shortly will have, to lay taxes upon those who have spent the money, you may depend upon it the poor will not always go to the wall, and the rich will not always escape."—[3 *Hansard*, cxlix. 2152.]

He was not going to answer that speech. It admitted of an answer, God knew, for the legislation of that House had been of late years especially directed for the benefit of the poorer classes. What he said was that they ought to take warning from the words of the hon. Member for Birmingham who spoke openly then, but he much doubted whether the hon. Member spoke so openly in his speech the other night. Not being present at the time he asked some one what sort of speech the hon. Member had made, and it was described to him as "milk and water." He confessed that to him the most alarming feature in these discussions was the Conservatism of the hon. Member, and therefore he warned hon. Gentlemen to beware how they played a game which might lead to a coalition between the noble Lord the Member for London and the hon. Member for

Birmingham. He called on them, while there was time, to resist the democratic tide which was setting in, and to endeavour to hand down to posterity the noble constitution they had received from their ancestors, in which they had only a life interest, and of which Fox truly and wisely said that it combined all the efficiency of an absolute monarchy with all the liberty of a democracy, without the despotism of the one or the licence of the other.

MR. ELLICE (Coventry) said, he did not intend to follow the noble Lord into the question of the policy or expediency of the proposition of a Reform Bill by the present Government. They appeared to have no option in the matter, as a reform was recommended from the Throne and brought before the House by Ministers in 1852 and 1854. Therefore, however unfortunate it might be that a question of this kind should fall into the hands of men representing a minority in that House, he acquitted the Government of any want of consideration in acting as they had done. On one point he entirely agreed with the noble Lord — namely, that it would be better to agree on a certain principle of reform, and proceed gradually with that work ; for he was not of opinion that it was possible to make large organic changes every twenty years in our history without at last leaving the country no constitution at all. It was vain to say that a great and lasting settlement should now be made. A great settlement was made in 1832, but there had been thirty or forty Motions to alter it since ; and let whatever settlement be made, it would not satisfy a large party in that House and a still larger party in the country. In expressing his opinion what course should be pursued after this debate was over, he would, in the present discussion take care to avoid all party or personal topics, which only distracted attention from the important question at issue. But as a future Government had been speculated upon, and as the hon. and learned Gentleman who spoke that evening (Mr. E. James) said it ought to include all those elements which were necessary to give it strength within and popularity without, he thought the hon. and learned Gentleman should be made the Attorney General of that Government if his counsel and influence could bring about such a combination. He would now proceed to a practical examination of the question before the House. A great deal more notice had been given to a letter which, in the performance of his duty to his constituents he felt obliged to write, being unable to attend a meeting they had called on the subject of reform and to which they had invited his attendance, than it ever was intended to attract. He had heard a great deal since on the subject, and had listened to the debates in that House, and he did not find himself in a position to alter the opinions expressed in that letter. He thought the measure of the Government a very bad one. He thought it essentially bad for its sins of commission and its sins of omission. He understood perfectly the motives which led to the suggestion of a Bill of this description. Hon. Gentlemen opposite had always said that in the great settlement of this question by the Reform Bill of Earl Grey in 1832 injustice was done to the landed interest, and greater power was given to the democratic constituencies in this country than was prudent or equitable. That certainly was not his opinion ; but presuming for the sake of argument that such a notion was founded on good sense, and that such an injustice had been committed in 1832, he could have understood the Government, if they had chosen to take such a course, disfranchising the smaller boroughs, and distributing more seats among the agricultural interest than before existed. At any rate, the only result of such a course would have been that when the measure was introduced into that House the assumed injustice would have been fully expatiated upon, arguments would have been brought *pro* and *con.*, the whole question would have been thoroughly ventilated by discussion, and a rational and definite conclusion would have been arrived at. But not only did they avoid any such mode of settling the question, but they had adopted a most singular course. He could not imagine, indeed, what had induced the Government to depart from the principles upon which the Reform Act of 1832 was founded, and which it was admitted on all hands had worked with so much advantage to the country. This was the opinion, not merely of those who were parties to that measure, but of right hon. Gentlemen opposite, who admitted that upon the whole their expectations with regard to the success of the Reform Act had been exceeded. The Government, proceeding upon the same principle, might have extended the franchise in counties and in boroughs, and they might have transferred seats from the smaller boroughs to those large constituencies which had considerably augmented since the last settlement of this question. But what had they done? Instead of doing this they had had recourse to an ingenious device, the veil of which was so flimsy that it was torn away in an instant. They proposed completely to overturn the system which was adopted in 1832, and to confiscate the franchises of county voters possessing freeholds in towns. They also proposed to revive the system of out-voting which was put an end to in 1832. He might state that previously to the passing of the Reform Act he had, at each of his elections, to convey to Coventry 500 of his constituents who lived in Spitalfields. The right hon. Gentleman opposite proposed that the votes should be given by means of voting papers; but, although such a system would be less expensive to candidates, he believed it would have a most corrupting influence upon the constituencies. Then came the notable device of making new and arbitrary boundaries, which were to be fixed at the discretion of an Enclosure Commission, or of some authority appointed by the Government: its object evidently was to exclude from the counties every independent element they contained. Another objectionable feature of the Bill, but with respect to which there was probably some excuse, was the proposition for establishing uniformity of the franchise, telling the great mass of the population who were asking for an extension of the franchise, that the county franchise should be reduced from £50 to £10, and that their demands should not be considered. He certainly was in favour of a £10 franchise, but that did not involve the identity of franchise proposed by the Bill of the Government. The objection which he entertained to the Bill would *primâ facie* have led him to say at once, "I do not require the Resolution at all; I shall condemn the Bill upon the second reading;" but there were some points in the measure which he certainly approved. In the first place it led to the hope of a settlement of this question. With the experience of the last five years before them—with the prospect of little union and combination with the object of arriving at a better settlement of the question—he would have been very willing to accept a moderate settlement from the right hon. Gentleman opposite, for they had better means of effecting such a settlement than hon. Gentlemen on that (the Opposition) side of the House. He had heard hon. Gentlemen below him say that this question should only be undertaken by a powerful Government; but he asked them whether they were of opinion that such a Government was possible? He did not believe it was, and he would therefore have been most happy to accept from hon. Gentlemen opposite any reasonable proposition which might have afforded a temporary respite upon this subject, until parties were so reconstituted that a more extensive and satisfactory measure might, if necessary, be proposed. The Bill did not contemplate the injustice which would have been done by the last Bill of his noble Friend (Lord John Russell) to his constituents the freemen, and he would therefore have been very glad if there had been some encouragement to go into Committee by the idea that any measure of practical Reform could result. But what encouragement was there to do this? The Chancellor of the Exchequer had laid upon the table an amended proposition with respect to the objectionable principle of disfranchising the county voters in towns; but he did not give up the principle, he merely proposed to defer its application. He (Mr. Ellice) must have some means of putting upon record his strong objections to that principle, and how, therefore, could he vote against the Resolution of his noble Friend? With regard to that Resolution, he frankly admitted that he would have preferred a simple Resolution recording their candemnation of those principles in the Bill which they disapproved. He would have strongly condemned the confiscation of the freehold county votes of residents in boroughs, the attempt to revive non-resident voting, and the establishment of new boundaries for the boroughs. There, however, he would have stopped. He disagreed especially with the latter part of the noble Lord's Resolution, because he did not like these indefinite propositions emanating from high authority. Why had not the noble Lord the Member for London stated to what extent he was prepared to admit the working classes to the franchise? The hon. Member for Birmingham (Mr. Bright) had characterized his (Mr. Ellice's) letter to his constituents as Radical in its tendency, because in it he had said he preferred household suffrage when the time arrived for giving that franchise, with residence and payment of rates. He (Mr. Ellice) said he understood household suffrage with residence and rating, because that was a resting place and a principle; but if they put the amount at £5 that was a mere arbitrary franchise, as that of £10 had been; and he added, that he did not know on what principle they could refuse to voters in boroughs and counties equal privileges. He could not tell, so long as the principle of the suffrage was rent, why they were to give to one man the right to vote and withhold it from another; and therefore, he had said that household suffrage in the towns and freehold suffrage in the counties, he thought, would be a resting place on which they could remain. He was prepared to vote for household suffrage, the householder being resident, and paying rates and taxes. He objected to the form of the Resolution, for they had had three or four propositions as to the suffrage, and they were not told in the Resolution what the extension of the suffrage was to be. Such a Resolution coming from the noble Lord, the House should be aware what they were about before they got into abstract principles on general subjects. The subject of the suffrage really required the deliberate attention of the House. He and his hon. Colleague were, probably, the only representatives of the working classes in that House, and certainly he had nothing to complain of in reference to the working classes. He had never seen a more independent constituency than that of Coventry, nor one which showed such singular honesty and good faith; and he would give his willing vote to enfranchise as many of them as could be proved to be in a fit position in reference to intelligence and independence. But who were the working classes to be enfranchised? Were they to be the whole of the lower population of the manufacturing towns; people who came by accident into those towns, who had only temporary interests there, and who were not educated? In old times the freehold was the franchise for the county, and for towns there was the burgage tenure, the scot and lot, and the freemen. The franchise arising from burgage tenure was no doubt grossly abused as time went on, and was abolished; but he began to think now that it would have been wise to have looked to creating a freehold franchise in some of our great boroughs. The institution of freemen had also become abused in various places, so much so as to be supposed by all the world that the system was absolutely corrupt. That was true in reference to many places; but let the House consider why it was that that franchise became so objectionable. It was impossible to have a better constituency than his own, and yet there were freemen in Coventry; but then no man could become a freeman who had not served an apprenticeship for seven years to one and the same trade. There was, therefore, some security for character and good conduct. In other places, where the freedom had been abused, it had been given away as a favour, or had descended by marriage. He remembered that in some of the boroughs, when there was a serious contest going on, a ship of war was sent into the port, a number of the sailors married young ladies of the place, and so became freemen by marriage. Those franchises, however, of various descriptions, enabled them in former times, by their variety, to represent different classes of the people. They had now nothing like that; they had abandoned franchises which would have enabled them to apportion power; and they had come to this one franchise of rent. That was a very precarious franchise. The hon. and learned Member for Marylebone (Mr. E. James) had said that he would by no means give representation to population alone; but if they lowered the franchise to the extent proposed by the hon. Member for Birmingham (Mr. Bright), and redistributed the seats by taking Members from small constituencies, they would, in fact, give representation wholly to population. He was not prepared, at the present moment, looking to the state of education in this country, to say that it would be safe to give the whole power to the working classes or the holders of small tenements throughout the country. He must vote for the Resolution of the noble Lord. He would not follow the speculations of his noble Friend opposite (Lord Elcho), nor of the hon. and learned Member for Marylebone (Mr. E. James), who talked of the possibility of forming a strong Government, which would include no one who had been in any Government before. There was, however, nothing, as they said in Scotland, like "condescending to particulars." He should like to know a little of the *personnel* of that Administration. He should be well pleased, if after this Resolution had been carried, the Government consented to go on with the Bill—by expunging the objectionable clauses and inserting others so as to make it a reasonably good Bill. He, however, was not ignorant of the difficulties of their situation, and he supposed that the carrying of this Resolution must be followed by the retirement of the Ministry or by a dissolution. He did not quite agree with his noble Friend (Viscount Palmerston) on that subject. He thought the Government ought to be left free to take upon themselves the responsibility of resigning their offices or of dissolving Parliament. He at least would throw no obstacle in the way of a dissolution, but he thought the county Members would cut a very awkward figure before their constituents on the hustings if they told them that they had unsuccessfully attempted to disfranchise a large portion of them, and desired to have an opportunity of making another attempt. He thought that would be a mistake on their part; but he would never refuse to any Government the exercise of a fair discretion with respect to the course they were to take in such an emergency. Then, however, after the present Ministry was disposed of, what were the chances that an Administration would be formed which would propose and carry a satisfactory Reform Bill? He confessed that he was not sanguine on this point. His noble Friend might propose a measure, and no doubt the second reading would be carried by a large majority; but not one step would he go in Committee before he would find the Liberal party all at sixes and sevens, while hon. Gentlemen opposite would oppose it in a body. There seemed to be no solution of this difficulty. In 1832 public feeling was brought to bear so strongly upon Liberal Members that none could maintain a struggle upon details, or if any one did, his constituency soon set him right; but at present he did not know where they were to find the means of uniting the Opposition side of the House upon questions of detail. He mentioned these things to justify himself in the opinion he had so strongly expressed—namely, that if they could first have set themselves right with the country by entering a protest in their journals against the objectionable provisions of the Bill, it would then have been good policy, looking to the public advantage, to proceed with the second reading. The hon. Gentleman (Mr. Bright) accused him of labouring under "hallucinations" in respect to the opinions of the working classes; but his wishes for the welfare of the working classes were as sincere as those of the hon. Member, though they might have different means of accomplishing the same end. The noble Lord (Lord John Russell), too, when he said that he had struggled for reform while young, and would not desert it now that he was old, would do him (Mr. Ellice) the justice to allow that he had been a zealous fellow-labourer in the same vineyard. He had long represented those workmen whose interests it was now supposed he would abandon, and he was willing to give them their due share of political power, but not more than their share; and he hoped that those who had trusted him for half a century would believe that in his conduct he was animated by the sincerest desire for their good and for the national well-being. He lamented greatly the position of this Reform question, and of the House and the country with regard to it. The prevailing excitement had already checked the national industry, and if the question could be settled now in any reasonable way, peace and quiet would be restored to the country, which would then have time to reflect upon the future. Nothing but perpetual agitation was likely to follow if it were found impossible now to pass a reasonable measure of Reform; but it was not the fault of the Opposition that a Bill had been introduced which it was impossible for them, with any regard for consistency, to support. Although he might have doubts about his noble Friend's Resolution, inasmuch as out of doors it might be looked upon as a party proceeding, he felt obliged to vote in its favour, inasmuch as the Chancellor of the Exchequer persisted in adhering to the principle of confiscating the county votes of the 40*s.* freeholders, though he deferred the application of that principle. He therefore threw on the Ministry the consequences of the continued agitation which was likely to be maintained throughout the country, and which would be so prejudicial to its best interests, so detrimental to the welfare of the working classes.

Colonel SMYTH said that, having presented a petition from the City of York in favour of the second reading of the Government Bill, he was anxious to say a few words upon the subject. He felt that the question of reform was one of the most important to which the attention of Parliament could be directed; a single false step in legislation might be productive of consequences the most disastrous, and he trusted that the House, well knowing the difficulties which surrounded the subject, would not hesitate calmly to discuss the proposal of the Government upon its merits, with a view to legislation in the present year. In the first place he concurred in the substance of the Amendment moved by the noble Lord (Lord John Russell); but to a certain extent it was met by the proposal of the Chancellor of the Exchequer with regard to the 40*s.* freeholders within boroughs; but he (Colonel Smyth) thought that the 40*s.* franchise should be totally undisturbed, for, whatever might be said to the contrary, county voters within boroughs would be eventually disfranchised by this Bill, and he therefore trusted that the Government would reconsider their determination on this point. With regard to the borough franchise, he did not hesitate to say that he wished to see it reduced considerably below £10, as the easiest and simplest mode of admitting many to the franchise who were now excluded, and whom the Bill before the House desired to enfranchise. A considerable portion of the constituency which he had the honour to represent was composed of ancient freemen—electors who gained their freedom and their right to vote by apprenticeship to a trade, or by birth, and who he knew exercised their franchise with as much honesty and independence as any other class of voters, thus proving that working men might be safely entrusted with the franchise. But the advantage of identity of suffrage as proposed in the Government Bill appeared to him to be wholly imaginary. Such a principle had never yet been admitted; it could not be maintained, and if acquiesced in by the House must, especially when connected with the proposal to alter the Parliamentary boundaries of boroughs, be the first step towards electoral districts. But he thought that the objects which the noble Lord contemplated in his Amendment might be obtained in Committee. His Resolution might fairly be an Instruction to the Committee, instead of an Amendment upon the second reading of the Bill. Such a course would enable those who desired to settle the question of reform in the present year to support the second reading of this Bill—the only Bill before the House—as a foundation for further legislation. It had been said, indeed, that the present Government should not have introduced a Bill for amending the laws relating to the representation of the people, and that such a course was not in accordance with the antecedents of the Conservative party. Such was not his opinion, for he was confident that the Minister of the day, whoever he might be, could not do otherwise than pursue the same liberal policy and follow the same course of progressive improvement which had marked the policy of recent Administrations; and when it was remembered that upon three separate occasions allusion had been made to the question of Parliamentary Reform in the Speech from the Throne, recommending the consideration of the subject to Parliament—when the subject had been admitted by all to be one upon which legislation was needed—he contended that Lord Derby's Government could not do otherwise than attempt to amend the Act of 1832, and endeavour to adapt that Act to the requirements and to the intelligence of 1859. They were told, indeed, that reform was not needed, that there was no anxiety on the subject in the country. He doubted this; but supposing it to be so, this was especially the time for legislation. But postpone or shelve this question, and you would give the nation reasonable ground to complain of being trifled with; you would encourage those who seek a pretext for agitation, and furnish an excuse to the few who desire not to amend but to destroy existing institutions. With regard to the Bill before the House, it had been carefully drawn; it extended the franchise to many who did not now possess it; it gave a vote to economy and to intellect; it preserved existing rights, and altogether contained the germ of a good measure. He confessed that he should have preferred the proposal of the right hon. Gentleman (Mr. Walpole). A £20 county and a £6 borough franchise would have been a liberal extension of the suffrage, and, combined with some of the propositions in the Government Bill, would have been an acceptable measure of reform. For reasons which he was at a loss to divine this plan was rejected by the Government. He still hoped that the appeal so eloquently and so forcibly made by his right hon. Friend last week would not be disregarded, but that the Ministry would acquiesce in that which he believed would satisfy a majority in this House and in the country. Believing that this Bill might be thus improved, and that the Amendment of the noble Lord, if carried, must postpone all legislation on reform until another Session; believing, moreover, that the business of the country had been ably conducted by those now at the head of affairs, and that they were prepared to carry out the reforms needed in the various departments of the State, particularly in the army and navy, he did not wish to see a change of Ministry, but desired to give the present Government an opportunity of effecting these beneficial changes; and he should therefore support the second reading of the Bill, reserving to himself liberty to vote in Committee for such alterations and Amendments as would improve the Bill, and ultimately render it a tolerably satisfactory settlement of a great political question.

MR. JOHN LOCKE congratulated the House and the country on the fact that a Conservative Government had been induced to bring in a Reform Bill—a bad one, he must confess, they had brought in; but still, that they should have brought in one at all was, in his opinion, a matter upon which the country had a right to congratulate itself; because, by doing so, they had elicited from the Ministerial side of the House expressions in favour of Reform, such as those which were usually heard only from that (the Opposition) side of the House—showing that although the present House had not been elected precisely for the purpose of passing a Reform Bill, still that it might fairly be called a reforming House of Commons. One could hardly have expected, in a House elected as the present had been, much anxiety for the extension of the suffrage in boroughs; but still all the Members who had spoken on the Ministerial side of the House had declared themselves in favour of such extension, and had blamed Ministers for rejecting the advice of their two seceders in favour of a £6 borough franchise. That was, in his opinion, a great concession; and he inferred from it that if Her Majesty's Ministers, instead of preserving an inscrutable secrecy, had consulted their own friends, the country would have had a much better Bill offered for its acceptance than that which the Chancellor of the Exchequer had laid on the table. Now, however, as they had brought in their Bill with all its imperfections, and that they knew what was the general opinion of the House, he did not see why they should not make it coincident with that opinion by engrafting on it the principles laid down in the Resolution of the noble Lord the Member for London. There seemed to be some feeling of punctilio in the minds of the Government against adopting such a course, although there was ample precedent for it, and although the hon. and learned Member for Sheffield (Mr. Roebuck) had recommended them to proceed by Resolution. He (Mr. Locke) would undertake to say, that if the hon. and learned Member had been successful in his suggestion, the Resolutions he would have proposed would have been identical in principle with the Motion of the noble Lord. The first great objection to the Government Bill was the disfranchisement of freeholders in boroughs. The Chancellor of the Exchequer had admitted that such disfranchisement was wrong; but then he endeavoured to remedy it by a sort of nibbling proposition, giving them votes for their lives, but still disfranchising their successors, a plan which his own supporters told him was wrong. Had he taken their advice, the right hon. Gentleman would have secured for the Government measure that consideration which he (Mr. Locke) was free to confess many of their measures, and the mode in which they had brought them in, had earned for them at the hands of the House. Many of the Government measures did Her Majesty's present Ministers great credit, and therefore he regretted that they had not proceeded in a more straightforward manner with regard to the extension of the suffrage, the more especially as they had received so much encouragement from their own side of the House to pursue such a course. There was a general perplexity abroad as to what was the real meaning of the noble Lord the Member for Tiverton in the observations addressed to the House on the preceding Friday. Some of the provincial journals maintained that the speech of the noble Lord was a straightforward speech; that he meant what he said; but others declared that the noble Lord meant nothing of the kind. He (Mr. Locke) presumed that Her Majesty's Ministers took it in that light, or else the Attorney General for Ireland would not have met the noble Lord's proposition in the way he had done. The hon. and learned Gentleman had raised a genuine Irish cry of "No surrender," protesting that it was impossible the Government could consent to go into Committee on the Bill after the speech of the noble Lord. The Resolution of the noble Lord the Member for London did not go far enough for him (Mr. Locke), and therefore the greater was his astonishment that the Government had not adopted it, and thus left the noble Lord the Member for London without any possible ground for hostility. The opinion of the metropolitan constituencies was, that the disfranchisement of the freeholders, and the non-extension of the franchise in boroughs, would give great dissatisfaction, and so far they went with the Resolution; but a most important point they missed in it, and that was the absence of any allusion to the redistribution of seats. The metropolitan boroughs were of opinion that in any redistribution of seats their claims for extension should receive consideration. Their selection of Members had been sneered at by the right hon. Gentleman the Member for South Wilts; but did not they claim the noble Lord the Member for London himself? and as for his three colleagues, nobody could assert that there was anything dangerous to our institutions in any of them. A distinction was sometimes endeavoured to be made between the City of London and the other metropolitan boroughs, but the City with 18,000 electors must certainly be classed as a metropolitan constituency. The borough which he (Mr. Locke) had the honour to represent was one of the most ancient, and had sent as many distinguished men to the House of Commons as any borough in the kingdom. In a word, the metropolitan boroughs had sent in admirals, generals, lawyers, and respectable men of all classes, to represent them, very much as had been done by other boroughs in the country. The metropolitan Members had been charged with inconsistency on every subject but that of rating, against which the right hon. Gentleman said, they were always unanimous; but it happened that upon the great point of uniformity of rating the metropolitan Members had never voted together. There was one charge which the metropolitan Members were open to, and that was political consistency, a charge which could not be brought against the right hon. Gentleman, or against that particular section of the House to which the right hon. Gentleman had belonged. Returning to the Resolution of the noble Lord the Member for London, he must repeat his regret of its meagreness, and especially of its omission of all allusion to the claims of the working classes. Still he must vote for it, because it embodied two principles of which he approved, and which had been substantially adopted by both sides of the House. He called upon the Government also to adopt it, as by doing so they would save the time of the House, and be enabled to proceed with their Bill. The Resolution was quite harmless, and declared only that which, if they went into Committee, must be the substance of the first Amendments proposed.

Lord ADOLPHUS VANE-TEMPEST: I think, Sir, it is an instructive study, on these occasions, to look to the strong contrasts sometimes presented between the hustings speeches of hon. Members and those which they subsequently address to this House. A remarkable instance of this discrepancy has just been presented in the speech of the hon. and learned Member for Marylebone (Mr. E. James). At his nomination that hon. and learned Member said that he would enter the House on an independent footing, and would give the three Reform Bills then promised a fair hearing. If Lord Derby brought forward an honest and comprehensive measure, he (Mr. E. James) would offer no factious opposition, nor would he lend himself to the machinations of a remnant of the effete Whig faction, who believed that the people were born to be governed by them, and that they were born to govern the people. The hon. and learned Member further said, "Let all three Bills—that of Mr. Bright, that of Lord John Russell, and that of the Government—be fairly placed before the people, and let the people's representatives select which they thought best." He (Lord Adolphus Vane-Tempest) now challenged the hon. and learned Member to act up to his own principle, and to give no factious opposition to the Government measure, and to vote against a Resolution the object of which was to prevent the Government Bill, and the only Bill brought forward, from being taken into consideration. It had been suggested by an able weekly journal in reference to the speech of the right hon. Member for Wilts (Mr. S. Herbert) that the question people would ask themselves hereafter would not be "Who was Premier in 1859?" but "Who wished to be Premier in 1859?" and any one who turned back to the *Debates* would have little difficulty in answering the question; not holding any responsible position, he might venture to say what the Solicitor General had been so much blamed for saying—but what pretty nearly everybody believed—that the object and intent of the framers of this Resolution was to turn out the present Ministers from the offices which they had filled with so much credit to themselves, and to replace them by a combination—it was not very clear yet of whom—but in which the hon. Member for Birmingham, it was said, was to bear a distinguished part. The noble Lord the Member for the City of London retained, no doubt, a lively remembrance of Sydney Smith's letter to him on the ballot, when the reverend Canon cautioned him against turning to dexterity and finesse, instead of the old broad constitutional "Russell" principles, reminding the noble Lord also that there were two beautiful words in the English language, "Yes" and "No," to which the noble Lord had much better turn if he wished to secure the confidence of the English people. He (Lord Adolphus Vane-Tempest) thought the advice of the witty Canon was most applicable to the noble Lord's present position, and he knew as a fact many of the noble Lord's staunchest supporters regretted that those beautiful words "Yes" and "No," were not at the present juncture to be found in the noble Lord's political vocabulary. He would humbly suggest to the noble Lord that if he objected to the measure under discussion, the direct negative was the straightforward course, and not by an indirect and misty Resolution to delay going into Committee, where it was generally admitted that the Government Bill could be made the basis of a sound and safe measure of reform. He now turned to the noble Lord the Member for Tiverton, whose objection to uniformity of suffrage he had heard with amazement. It was with amazement that he had heard the noble Lord the Member for Tiverton and the right hon. Member for Wilts maintain that the House had never sanctioned a £10 franchise for counties. Surely they had forgotten that this was one of the main principles of the Bill introduced by Lord Aberdeen's Government in 1854 to which they were both consenting parties. The only clue to such inconsistency had been given in the speech of the right hon. Member for Wilts (Mr. S. Herbert), who stated that the inconvenience attending the proposition of a Reform Bill by a Conservative Government was "that it created a political necessity for a liberal Opposition to outbid them:" the Government having proposed a £10 franchise in counties, precluding outbidding in this particular, it became necessary for the Opposition to underbid them. He believed that if the Government had not included a £10 county franchise in their Bill the noble Lord would have brought forward a Resolution declaring that no Reform Bill would be satisfactory that did not provide for a £10 franchise in counties. He rejoiced, however, that the Government had recognized the fact that the principle of the £10 county franchise had been twice recognized by the House and had made it part of the Bill. The noble Lord spoke in his present Resolution of the necessity of reducing the borough franchise; but the arguments against that reduction were precisely the same which were formerly advanced in the discussions for the reduction of the county franchise, namely, that it would open the door for renewed agitation, for it would be naturally a ground of complaint that the man who held a £6 house in a borough was allowed to vote, while the man who held a similar house just outside the borough boundary was excluded from electoral rights. The hon. and learned Member for Sheffield (Mr. Roebuck) had told his constituents who complained that they had not the franchise, that if they chose to save the price of a pot of beer every day they could soon qualify themselves under the existing system. In order to show what the effect of lowering the borough franchise would be, he would quote from a Return which showed that in London, where there were 14,552 houses of the value of £10 and upwards, a reduction to £5 would only add 1,272 to that number. In Sheffield the present number of houses of £10 and upwards was 9,586, but a reduction of the franchise to £5 houses would add 22,566. He did not believe that a lowering of the borough franchise was the best mode of admitting the working classes to the franchise. With regard to the disfranchisement of the borough freeholders, he observed that out of the constituency, numbering 5,800, which he represented, 2,800 were of that class, and therefore he naturally felt interested in them. But it was extraordinary that the sympathy in favour of these borough freeholders should have come from the noble Lord, who was the great disfranchiser of the age. Indeed, he wondered that the noble Lord was not almost afraid, when he came forward as the champion of that class, that the ghosts of the potwallopers would rise up against him. But in 1832 the noble Lord endeavoured to disfranchise these borough freemen, whom the right hon. Member for Coventry admitted to be theoretically the element by which the working classes shared in the representation; and who was it that saved them? Why, the Conservative party, who were now said to have no sympathy with the working classes. The Chancellor of the Exchequer had, however, intimated that he would introduce a clause to preserve the existing rights of these borough freeholders, and if he had not, he (Lord A. Vane-Tempest) would have done so when the Bill got into Committee. But the rights of these freeholders being preserved, where was the necessity for that portion of the noble Lord's Resolution? Where there was no resistance, what was the object of attack? He called upon the House to say, whether the proposal of the Government was not upon the whole fair and beneficial; namely, that in future the locality of the qualification should regulate the exercise of the franchise, and that to avoid injustice to existing interests an option should be given to the borough freeholder to elect whether he would vote for the borough or the county? It did appear that those resident in represented boroughs exercised too great an influence in county elections, for he found that out of 20,000 county electors in Lancashire, 11,000 were from represented towns; of 14,000 in Middlesex, 8,000 were from represented towns. Of 6,000 in East Sussex, 2,500 were from represented towns, and of 37,503 in the West Riding, 9,288 were from represented towns. Was it wise or beneficial that the represented towns should have so large a voice in the representation of the counties? But the amended proposal of the Chancellor of the Exchequer to a certain extent remedied this objection, and at the same time preserved existing rights. He should most cordially vote for the second reading of the Bill, because he believed it would form a basis upon which the question might be satisfactorily settled; and because he believed the public generally were not averse to it, the majority of the petitioners who had addressed the House being in favour of household, manhood, or universal suffrage, which hon. Gentlemen opposite were not prepared to propose. A great deal had been said about the want of sympathy for the working classes exhibited by the aristocracy, and the hon. Member for Dorsetshire (Mr. Sturt) had gone so far as to say, that the aristocracy were afraid of those classes. He imagined that the hon. Member was, in making that statement, actuated much more by a fear of the hustings and the borough voters among his own constituency, than the aristocracy were by a fear of the working classes. He would challenge the Gentlemen on the other side who just now honoured him with a derisive cheer, to an inquiry into the state of the working classes who were employed by the aristocracy, whether in agriculture or trade —for there were many of the aristocracy engaged in trade—and compare it with that of the same class in the large manufacturing towns. But the object of the hon. Member for Birmingham, who was so loud in his denunciation of the aristocracy for their alleged want of sympathy with the working classes, was to light the torch of discontent, which, after all, was no better than a farthing candle—and to agitate the country and make them believe that the aristocracy were their natural enemies, and that the Manchester School were their only friends. On that point he would take issue with the hon. Member. It was the hon. Member who opposed the Factory Act, and it was hon. Members on this side of the House, including the noble Lord the First Commissioner of Works, who supported it; and before the hon. Member put forth the profession of exclusive sympathy for the working classes, he should look to the evidence taken before the Bleaching and Dyeing Committee of last Session, disclosing a state of misery among those classes employed by manufacturers far beyond anything that had ever been heard of among the same classes employed by the aristocracy, whether in agriculture or trade. At Edinburgh, the hon. Member told the working classes that the more intelligent they became, the greater their political knowledge, the more would the aristocracy dread the time when political power should be universally extended: but the illiterate and depraved classes they did not fear, because those they knew how to manage—it was the intelligent, hard-headed, instructed, thoughtful, intellectual people whom the privileged classes feared. [Mr. WHITE: Hear! hear!] The hon. Member for Plymouth cheered. Did that hon. Gentleman really believe that the privileged classes alluded to by the hon. Member for Birmingham—by whom he supposed the hon. Member for Birmingham meant simply those who had more money than himself—did he believe that the privileged classes feared the working classes? Again, what said the hon. Member in one of his speeches to the people of Birmingham? The hon. Member having now assumed the cloak of Conservatism, it was only right that the House should know what was the garb he wore in the winter. At Birmingham, he asked, was there a single Member of the House of Lords who could be said honestly to sympathise with, or represent in any degree, the feelings and the wishes of the thousands of their fellow-countrymen? Such was the opinion of the hon. Member of the House of Lords, and he (Lord Adolphus Vane-Tempest) held that that opinion was a libel upon the House of Lords; and he rejoiced that no Member of that House had condescended to answer the attack. The sympathy of the hon. Member and his friends for the working classes was not greater than was that of the aristocracy and those whom he called the privileged classes. But the question of sympathy with the working classes was not the question in debate. He agreed with the Member for Halifax (Mr. Crossley) in his speech, that the difficulty was, that in admitting a large proportion of the working classes into the representation, there was the danger of swamping all other classes by the mere force of numbers. The best solution of this very difficult problem, he thought, was in the savings' banks, and the lodger franchises proposed by the Bill, by which he believed a fair and just proportion would be enfranchised. The hon. Member for Dover had described these franchises as the "political millinery" of Downing Street; but the fact was, that the hon. Gentleman was jealous of anybody having a good article in the way of reform to submit to the House and the country but his own party; he believed, however, that the Government were dealing in goods in which the hon. and gallant Member's firm never chose to invest. It had been said that this debate must end in resignation or a dissolution. He hoped the Government would not take the course of dissolving Parliament whatever might be the result of the division, which, as the right hon. Member for Cambridge had shown, would be as inconvenient as it was unnecessary; neither would they, he hoped, resign. The country did not wish them to resign; nor, as he believed, did the great majority of the House of Commons wish them to resign. He had nothing to do with the Government himself, but on all sides he heard favourable contrasts drawn between the present and the late Government. It must be remembered that the present Government was called to office not by their own act, but by the weakness and dissensions of that rope of sand which hon. Gentlemen opposite were trying again to weave. Upon all sides he heard praises of the Government for their industry, their attention to the wants of the country, and their uniform courtesy independent of party and political considerations. In all these points it was admitted that they offered a contrast very much to the disadvantage of their predecessors. The noble Lord who moved the Resolution said that the presence of Lord Malmesbury at the Foreign Office was not necessary to guarantee the peace of Europe. The Attorney General for Ireland had well answered that it was not the Minister, but the policy which constituted the guarantee. At all events, since the present Government had been in office they had had no Bills brought into the House of Commons at the dictation of a foreign Government, nor had they seen British subjects rotting in a Neapolitan dungeon, and the Foreign Office contenting itself with telling them that it would keep its eye upon them. He hoped the Government would neither dissolve, nor resign, and he was quite sure that they would not take the course which the noble Lord (Viscount Palmerston) tauntingly advised them the other night to follow, and which he knew that, as men of honour, it was impossible for them to adopt. There was, however, a course which they might take without any derogation of character—that was to withdraw the Bill altogether if it was accompanied by these insulting Resolutions, and appeal to the country as soon as the necessary Votes could be taken, not upon a Resolution factiously devised to catch votes, but upon their Bill, which was just, wise, and moderate, and on their whole administration of affairs, domestic and foreign, since they were called to office. He believed that if the Government challenged the opinion either of the House or the country they would receive a verdict which would be favourable to their administration, and adverse to the factious motives that found expression in the Resolution of the noble Lord the Member for the City of London.

MR. MONCKTON MILNES said, he could not agree with an hon. Friend who declared that the Resolution before the House was a basis upon which it was impossible to found a discussion of reform. He believed that the discussion which had so long occupied the House, and that seemed likely to go on for the next week or two, was one which would prove an excellent basis for any future discussion of Parliamentary reform. Speeches had been made and opinions had been expressed which would, upon the whole, be satisfactory to the people, and would show that the House had begun the discussion of this great question in a just and honourable spirit. Preceding speakers had thrown their speeches into regular divisions, almost like sermons; they said by turns a little about the Bill, the Resolution, the dissolution, and the resignation, and he did not know that he could do better than follow this orthodox example. He could not think it factious or unjust to regard this question in connection with the existing state of parties. It was all very well to say that on ordinary questions in which the Executive was concerned all the House had to consider was whether the measure before it was effective for the purpose and properly arranged. But in this great question of Parliamentary Reform there were involved moral considerations connected with the antecedents of individuals, and certainly connected with those of parties. A Reform Bill, for example, proposed by a Government in the position of the present Administration came before the House with certain disadvantages that would not attach to a measure coming from a party whose traditions and political habits were closely connected with the subject of reform. If the Government had waited until some Reform Bill had been proposed upon that (the Opposition) side, upon the premisses of which all parties were agreed, they might have enjoyed a position of neutrality for a considerable period. That was one course open to them. Another course was to have brought forward the £10 occupier franchise for counties as a single measure, the House having already pronounced a decided opinion in its favour. The Government had, however, preferred to come before the House with a complete and formal measure of their own, and he would ask whether it was discreet for a Ministry in such a position to come forward with so complicated a Bill? Their measure, however, having come before the House, he thought they could not have done less than accept it as the basis of future action if it had not omitted an important principle with reference to the franchise of boroughs. His own feelings on this point were so distinct that he thought the Resolution of the noble Lord (Lord J. Russell), so far from being a "dodge" or a trick, in the latter part of it at least was nothing less than a truism—so much so that there seemed to him to be only two courses, either to vote for the principle of the Resolution now, or to do so when the House went into Committee. He felt precluded from taking the latter course by the fact that the Chancellor of the Exchequer in bringing forward the measure did not leave any possible opening for an alteration in Committee which would not be dissonant to and nullify the principle of the Bill. It was hardly possible that the Government could have lighted on their present proposal except by accident. If the proposition of the hon. Member for East Surrey (Mr. Locke King) had been carried out, and the borough franchise had remained as it was, the state of things would have been the same as that proposed by the Chancellor of the Exchequer. But the difference was that in the one case the state of things was arrived at accidentally, while in the other it was adopted as a novel principle, the main principle of the Bill, and was insisted on as a settlement on which in future the constitution was to rest. He did not think that this was a sufficient resting-place. He did not believe in any resting-place or in finality of any sort in a question of this kind. He did not regard the British constitution as merely a state machine, which was to go on in a series of formulas for a certain time, and which, if it lost a spring or a wheel, was merely to be patched up, and then to go on as before. He could not regard the British constitution in that light, but he considered it to be the exponent of the mind of the British people, and connected with all the progress and intellectual advancement of the country. Having acted on this principle all his life, he could not agree to any measure which did not take this question into consideration, and inquire whether between the period of the first Reform Bill and the present time the mass of the people were not only deserving of a larger share of political power, but also whether they had not shown such a desire to have it as to authorize the giving it to them. It was true that the agitation for reform was not so great as the hon. Member for Birmingham wished them to believe. He rather thought that hon. Gentleman had lent some of his own enthusiasm to his view of the question, and that the people were not so desirous of it as the hon. Gentleman thought. He (Mr. M. Milnes) doubted if the alteration in the franchise which the hon. Gentleman wished would make that House more peaceful, more economical, or more attentive to the interest of the country than it was now. But he did think that if an extension of the franchise to the working classes was denied now, that denial would be accompanied with considerable danger to the country, for it was almost the single point on which the mass of the people were united in connection with a reform in the representation. Allusion had been made to other countries, and though such comparisons were necessarily not accurate, yet it was worth considering that in a neighbouring country a dynasty which was accepted by the people, and a popular and powerful ministry, was overthrown in consequence of the narrowing of the political power of the people, and when a street riot took place, and the dynasty fled, and the Ministry was exiled, the people stood silently by. He did not say that any such calamity was likely to occur here; but, arguing from the analogy of human nature, it was not to be doubted that if the Government, in proposing a change in the franchise, excluded that part of the people who were interested in the borough franchise, it could only be the beginning of an agitation, without settling anything. There were other parts of the question of Parliamentary Reform which the people regarded in an inferior degree. It was natural that while the distribution of seats might be very important to Gentlemen in that House, it should be of comparatively little importance to the people at large. If you increased the smaller boroughs they would become important constituencies; but as to the other questions of the disposal of seats, and the addition of Members, he did not think that the country took much interest in them. In the West Riding of Yorkshire, instead of being gratified at any proposals to increase its representatives, it had always expressed itself satisfied with its representation by two Members only, and had enunciated no desire for a larger number, or any gratitude to the Government for any attempt to increase that number. Believing the extension of the franchise to be the main question of any measure of reform, he was bound to vote for the Resolution, and he did so without making any criticism on the measure of the Government, for in his opinion the Resolution enunciated no more than a truism. If this question could have been mooted in Committee he would have voted for the second reading of the Bill; and if the Government would withdraw the Bill, and introduce another containing that principle, he would give it every support that he could. He had no fear of a dissolution of Parliament, and he thought that the Government had a right to appeal to the country on a question like this.

SIR JAMES GRAHAM: Mr. Speaker, I do not rise to reply to the speech of my hon. Friend the Member for Pontefract; but if I delay any longer to address you I shall be in danger of not being able to perform that duty. I have waited long and anxiously before I could make up my mind to address the House; and in troublous times it is often no less difficult to know what it is one's duty to do than to perform that duty when we have made up our minds. I certainly did wish not to have seen the day arrive when it would be necessary for this House to reconsider the fundamental principles on which our constitution is based. I took part—a humble part, but a sincere one—both in the preparation and the passing of the Reform Bill of 1832. The right hon. Gentleman the Chancellor of the Exchequer, in introducing this Bill to the House, used an expression which grated on my ears. He said the statesmen who took part in the Reform of 1832 appeared to him to have treated the subject in many respects "empirically." I can hardly think the right hon. Gentleman used that word in its more invidious sense, or wished to convey that the authors of that Bill were empirics. If it were necessary to defend the authors of that measure, I should refer him to the noble Earl now at the head of the Government of which he is a member, without whose aid we should have experienced great difficulty in carrying the measure of 1832, and I should have to mention such names as those of Lord Grey, Lord Althorp, Lord Melbourne, and Lord Durham. I confidently believe that the memory of these great men will be justified from any such reproach by the verdict of history. But there is another meaning to the word empirical which I am rather disposed to think the right hon. Gentleman intended to attach to it—he probably meant to say, that the measure of 1832 was an experimental measure. The right hon. Gentleman treated it as an experimental measure. I should certainly wish to call to the attention of the House, after an experience of twenty-seven years, that the change effected by that measure was immense. I will call to the recollection of the House that the noble Lord the Member for the City of London in speaking of it described it to us as "a bloodless revolution"—happily, bloodless, but still a revolution. It undoubtedly transferred the centre of power in this country from the aristocracy to the middle classes, and intentionally so transferred it; and, if it be regarded as an experimental measure, I am satisfied that the country, together with myself, entertains the opinion that that great experiment has been largely successful. It was the object of the framers of that measure so to blend the influence of property and of numbers that all collision with the Throne and with the aristocracy, who by its provisions were deprived of a large share of power, might be avoided; and the proportions of power then adjusted have been so successful that since that time the country has enjoyed better legislation, greater prosperity, more internal peace, and has been exposed to less civil discord, than at any other period of equal duration since our Parliamentary history commenced. Viewing it then, as an experiment, I think I may safely assume that on the whole it has proved successful. For one, I would gladly have adhered, at least during my life, to that settlement as a final one. Its authors, at the time of passing it, certainly did hold out to the country, and to the Sovereign whose assent it received, an assurance that, because it was large, and because it was comprehensive, hopes might justly be entertained that it would be a final settlement. I clung to that sentiment for a very long period myself; but I subsequently found, from circumstances upon which it is needless now to dwell, that finality, as a position, was no longer tenable; and from that period it became my duty from time to time to consider what alterations or amendments of that measure might safely be proposed and supported. Now, the first care of reformers, as it appears to me, ought to be to prevent the necessity of further reformation. I was struck by an observation which fell from the noble Lord the Secretary of State for India, in the able speech which he made in defence of the measure of the Government, clearly showing that at the very time he advocated this Bill he violated the great canon of reform to which I have alluded—namely, that your first care when you reform ought to be to avoid the necessity of further reformation. The House will remember that that noble Lord, in using the term "identity of suffrage," said that that principle would afford an easy mode of hereafter altering, or rather of disfranchising, the smaller boroughs, which disfranchisement, he said, was in his judgment inevitable. By the favour of the Gentlemen who sit around me I occupy this place (the second bench below the gangway on the Ministerial side), though in many respects differing in opinion from them; but they will permit me to recall to their recollection how great, practically, has been the change which has taken place in reference to reform within the last month. Lord Derby, the head of the present Government, received the confidence of the Conservative party when in 1852 he became Prime Minister, upon the assurance that his special mission was to stem the tide of democracy, and to raise a barrier against its dangerous encroachments. Well, what has occurred within the last month? I, in the year 1857, voted with my hon. Friend the Member for East Surrey (Mr. Locke King) for the reduction of the occupation franchise in counties from £50 to £10. I then took the liberty of assigning the reasons which appeared to me sufficient to justify that proposal, and I stated why I thought it might safely be conceded. Gentlemen on this side of the House offered a strenuous opposition to that reduction. I do not think there was a Gentleman sitting on this side who supported it, and they urged the gravest objections against it. Now, Lord Derby's Government has proposed that change—the reduction from £50 to £10—deliberately and advisedly; and, as a counterpoise to what might be apprehended as the democratic tendency of that change, the Bill brought in by the Chancellor of the Exchequer proposed a countervailing disfranchisement of the borough freeholders, with the view of diminishing what, in the opinion of Gentlemen who sit around me, was its danger. Well, without a division, without any more than an expression of opinion from different parts of the House, one-half at least of that counterpoise has been withdrawn; and the measure, I must say, appears to me to be framed upon an entire misconception of that which, when properly understood, is truly Conservative in its character. Now, what are the real dangers of a Republican or an extreme democratic change in this country? What are the great landmarks of Republican institutions? I say distinctly that they are manhood or universal suffrage, equal electoral districts, and vote by ballot. A President of the United States, in his inaugural address, distinctly stated, "that the Republic rested upon the ballot-box." I do not intend now to argue that question; but I believe I have not misstated what are the true dangers to be apprehended by those who fear republican change. Now, observe what are the principles of this measure. The Chancellor of the Exchequer said emphatically, and it is not to be denied, that identity of suffrage is the key-stone, the leading principle of this measure; and it has been so argued by the noble Lord the Minister for India. You have, then, identity of suffrage; you have electoral districts, not now equal, but for a time unequal; and it is proposed to have voting papers. I contend that these three propositions, which are the principal outlines of this measure, all have a direct tendency to that which is most to be apprehended by the opponents of republicanism. This identity of suffrage once established at £10, as my right hon. Friend the Member for Wiltshire said, one single turn of the hand in a rash moment and that suffrage will be reduced from £10 either to household or manhood suffrage. Again, your electoral districts are now unequal. By all sound logic and consequential reasoning, from the moment your suffrage is identical your electoral districts ought to be equal, and there is a process shadowed out under the Boundary Commission contemplated by this Bill, and which is to be issued simultaneously with the reduction of the suffrage, that will constitute your unequal districts into equal ones. There remains, then, only the ballot; and, if the House will permit me, before I sit down I will glance at the question as to voting papers. I think, if the conversion of unequal electoral districts into equal ones will be found an easy operation, that the conversion of voting papers enclosed in envelopes into the ballot will be easier still. I turn now to another branch of the subject, and I should beg to give an opinion that the danger of Reform is infinitely increased if you proceed upon abstract principles, and, according to logical inferences, from general principles of change. I should say that this Bill was conceived with, I will not say too much sagacity, but with the avowed intention of obtaining from every quarter of the House that support which might effect the object which has been declared to be the primary one—namely, the object of passing it. It appears to me too clever by half, and that a much simpler measure would have been much safer and much more effectual. There is a work which appears to me worthy of the greatest attention, when we are discussing a question of this kind. It is a work of solemn warning. I refer to the work of M. de Tocqueville upon the *Ancien Régime,* and on the causes which immediately led to the French Revolution. The passage of which I have attempted a translation, and which, with the permission of the House, I will read, refers to this point of framing Reforms with great astuteness upon general principles, and according to the symmetry which logic dictates. He says—

> "When the history of our Revolution is studied it is apparent that it was conducted precisely on the same principles which have dictated so many abstract dissertations on the science of Government. The same fondness for general theories, for complete systems of legislation, for exact symmetry of law; the same contempt for existing institutions, the same reliance on theory, the same taste for what may be deemed original, ingenious, and new in establishments; the same desire at once to remodel the whole Constitution according to the rules of logic and on an uniform plan, instead of endeavouring piecemeal to amend it. Frightful spectacle! That which is an excellence in a writer is often a great defect in a statesman, and the same things which have frequently led to the production of beautiful romances may lead to the issue of great revolutions."

I have said that a simpler measure, one less complicated, and one less intended to be novel, would have had a much greater chance of success. I have quoted M. de Tocqueville: there is a saying of Oliver Cromwell addressed to Bernard, a lawyer, which has also some bearing upon this subject. He said, "I understand that you have lately been vastly wary in your conduct; be not too confident of this. Subtlety may deceive you, integrity never will." A noble sentiment, and one which ought to be written over the door of every Cabinet. I shall follow the advice not to use subtlety by at once avowing the share which I had in this Resolution. My noble Friend the Member for London did me the honour of conferring with me after this Bill had been laid upon the table. An hon. Gentleman upon the Treasury Bench cheers. Is it unnatural, is it dishonourable, that I and the noble Lord who are the only surviving Members of that Committee which framed the Reform Bill of 1832 should confer when a measure was produced purporting to amend and alter it? When the noble Lord asked me what my impression of this measure was, I told him at once that I was quite prepared to vote against the second reading of the Bill. That is my view now, and I stated it more unequivocally to the noble Lord; but I said that there were two or three capital objections to it which I thought might be included in a Resolution. The Solicitor General has said that it is unprecedented in the history of Parliament to adopt a Resolution accompanied by reasons. When I first came into Parliament the opportunity constantly occurred, when the Order of the Day was read for the second reading, of moving any Resolution upon any subject even not germane to the Bill about to be discussed. That power was abused, and to expedite business in this House, the power of moving a Resolution upon the Order of the Day was renounced; but to say that upon the Motion for the second reading of a Bill it is unparliamentary or unprecedented to move a Resolution, germane to the matter of the second reading, is a doctrine entirely new. Even when the Resolution may not be altogether germane to the second reading, there are precedents for the use of that particular mode of attacking a measure. If, however, there were no precedent I think the time has arrived when in a deliberative assembly like this you are not to be driven into a corner and bound to say "aye" or "no." I think it must be open to you to point out to the House and the country the particular leading reasons which induce you to object to the measure even before the second reading. What the French term "*négatif motive*" does not exist here, and I think the time has arrived when it is absolutely necessary that such a power should exist and should be used. The Resolution of the noble Lord appears to me not essentially and in effect to vary from the course that was pursued with respect to the India Bill last year. It varies in this partitular—that the Government then, as now, produced a Bill which did not meet with general approbation; the India Bill they voluntarily withdrew, and upon its withdrawal Resolutions were passed which were the foundation of their second measure. On this occasion, though I do not think the draught of their first Reform Bill is much more fortunate in conciliating the acceptance and goodwill of the House than was the first draught of the India Bill, they refuse to withdraw their measure, and under these circumstances the Resolution is moved, certainly for the purpose of defeating the Bill in its present shape; but now as then it affords to the Government an opportunity of withdrawing it and introducing another measure more conformable to the opinion of the House. I fully concede what was stated by the noble Lord the Secretary of State for India, that in matters of this kind it is for the Government to consider and determine what is consistent with their own honour and with their position; and the decision as to whether they shall withdraw this Bill and substitute for it another more in conformity with the wish and opinion of the House and the country must rest with them. But it rests with the House steadily to perform its duty and to point out to the Government, at this preliminary stage of the second reading, what are their opinions, and what is their wish in respect to the measure as it now stands. Even at this moment, whatever may be the difficulties created and increased by this prolonged discussion, I do not think that I ever saw in this House greater unanimity, extending to both sides, than is exhibited against the principle of this Bill; nor, well considering all the elements of which this House is composed, more disposition, now, in this Parliament, immediately, in this Session, to pass a Bill, which would command the sympathy and support of the country. My belief is, that at this moment a Bill taking the common point of departure, the £10 franchise lowering to a considerable extent the borough franchise, prohibiting the payment of travelling expenses, multiplying polling-places, disfranchising, within moderate limits, the smaller boroughs, and enfranchising with strict impartiality the larger counties and larger cities, would command the support of a decided majority of this House. But I pass on to consider this Bill as it now stands. It proposes to deal with the imperfections of the Reform Bill of 1832. As it appears to me, those imperfections, so far from being remedied, are aggravated by this measure. I acknowledge that one one of the great imperfections in the Reform Bill was the £10 franchise in cities and boroughs. That was a bandage not sufficiently elastic; and it did not expand with the increasing intelligence of the people and their growing fitness for an extension of the suffrage. How is that met by the present Bill? I will not at the present moment deal with what are termed the "fancy franchises"—I use that term for brevity, and not for the purpose of discountenancing or disparaging them, because I think that some of them are capable of defence, and would be very salutary improvements; but I say that with that single exception, which, after all that has been said, cannot in my opinion be largely operative, there is no alteration made in the city and borough franchise except by the objectionable addition of the borough freeholders consequent upon their disfranchisement in their respective counties. The other great imperfection in the Reform Bill, and the one which exposed it to more obloquy than any other provision, is the fixing of the boundaries of boroughs by a Royal Commission. That very imperfection is about to be repeated, exposed to all the obloquy which fell upon the former operation, attended by the gravest suspicion, and, as I think, not unattended by well-founded objections. However, with respect to the transfer of the borough freeholders from counties to boroughs, it is true that Lord Althorp at first entertained the very proposal to which this Bill seeks to give effect. I am a witness, and it could be confirmed, were it necessary, by the noble Lord the Member for London, that a similar proposal was made by Lord Harrowby, and Lord Althorp to Earl Grey; and it was made with the view of increasing, or rather of upholding the territorial influence in the counties. It was discussed fully with Earl Grey, and referred to the Cabinet; but it was decided that, rather than entertain it, the passing of the Bill itself by the House of Lords must be risked, and that on no account must the concession be made. Why? Because we thought we made a very doubtful concession when we admitted the £50 occupancy clause in counties. And the Solicitor General dwells on that concession now. He says we departed from our principle when we conceded the Chandos clause that brought in the £50 occupiers. He presses us with it now. He says we may just as well go further—the principle has been violated, and we may as well concede more, in disregard of the ancient franchise in the counties. But I draw exactly the opposite inference. I say, if we once made that departue from the principle, and found the inconvenience of a departure from prescription, let us, at all events, with respect to the boroughs, stand on the sound and ancient principle, on the prescriptive right which the right hon. Member for Oxfordshire (Mr. Henley) proved to demonstration has existed for 400 years; let us maintain the prescriptive distinction between counties and boroughs, the franchise in one resting on property and possession, in the other on residence and occupancy. Now, I believe Lord Althorp's view was sound when he changed his opinion with respect to this transfer in consequence of the adoption of the Chandos clause. This old borough constituency is the salt that gives a popular savour to the county constituency. Where the borough franchise exists in a large proportion it has a marked influence on the county choice of Members. What is now proposed to do appears to me unjust in the extreme. Every Gentleman knows what happens in his own neighbourhood, or the borough which he represents. A shopkeeper or merchant in the town having considerable interest in his locality, with a laudable ambition to extend his influence, buys a freehold in the county; perhaps he may have recently purchased it, with all its rights, at its full value. Now, what is it you propose to do? Without notice, you propose to depreciate the value of his purchase; you tell him he must exercise an option, and vote either for the borough or the county; but his double vote will be taken from him, and he, or his heirs, will virtually be disfranchised. I wish we could be told what will be the effect of this measure in the counties in which four boroughs were disfranchised for proved corruption, and which by Act of Parliament were thrown into those adjacent hundreds. When those Acts were passed—deliberately—for the purpose of admitting the double vote, no provision was made that the freeholders whose security was called in as a purifying element in those boroughs should forfeit their rights in the counties. What will be the effect of this Bill, for instance, in the Hundred of Bassetlaw? These votes will be transferred to the borough of East Retford, a transfer which the noble Lord the Secretary for India states will increase the value of each vote. But what will happen in the division of the county you, Sir, so worthily represent. If I mistake not there are 1,400 or 1,500 borough freeholds included in the Hundred of Bassetlaw; if they are thrown into the county the borough of East Retford will lapse into corruption; if they are exercised the other way then the county constituency will change its character altogether and the power and influence of the great landed proprietors will be increased; and this is true not only with regard to East Retford, but with regard to Shoreham, Aylesbury and Ipswich, and the arrangements which it was thought so necessary to make by special provision will be altogether set aside.

I will now advert to some admissions of great importance made by the Chancellor of the Exchequer in his opening speech.

He admits that in cities and boroughs there has been a great increase of population; he admits an increase of wealth; he admits an increase of intelligence. The natural consequence, it might be supposed, is that, this increase having taken place since 1832, there must have been also an increase in the number of the voters in cities and boroughs. But the fact is otherwise; the number is gradually diminishing. The right hon. Gentleman said he wished "to reform according to the genius of the existing constituencies." Now, this difference between the county and city franchise has never been described more forcibly, clearly, and explicitly than by the noble Lord now at the head of the present Government in his speech in 1854. The passage was quoted the other night by the right hon. Member for the University of Cambridge, and it has appeared in juxtaposition with a passage from the recent speech of the Secretary for India. It may be an old prejudice or predilection, but it appears to me that the argument of the father outweighs that of the son. This is no matter of theory. I have already said that the prescription of the borough freeholders is of the most ancient date; and in the midst of all our changes—even in the very great change of 1832—that prescription was carefully preserved. The immediate object and the operation of that Bill was the transfer of power to the middle classes; but I consider it a most dangerous doctrine to hold that the classes below them do not take a deep and real interest in this question. The working classes may appear indifferent to it; but there can be no more dangerous error than to suppose they have not this question at heart. Speaking, then, in the strongest Conservative sense, I hold it infinitely more safe to make timely concessions to reasonable demands than to stand on extreme rights and make no concession at all. I have already quoted De Tocqueville with reference to some of the menacing scenes which preceded the French Revolution; I will read another passage from him, because it is directly to the point. He says,—

> "When the poor and the rich have hardly any interests in common, no common grievances, no common occupations, that darkness, which hides the feelings of one from the other, becomes inscrutable, and the two may live for ever side by side without fathoming each other. It is curious to see in what strange security those who occupied the upper and the middle stories of the social edifice lived together up to the last moment when the Revolution broke out, and to hear their ingenious disquisitions on the virtues of the common people, their gentleness, their attachment, their innocent amusements, up to the moment when 1793 was at their door—a sad spectacle, ridiculous and terrible!"

Far be it from me to use a passage like that in the spirit of intimidation. I use it with a very different feeling. I wish the House not to disregard that historical experience, not to forget that solemn warning. I do not believe that the fair demand for the admission of a portion of the working classes to the electoral franchise can any longer be refused with safety. The concession of a lower county franchise makes a resistance to a lower franchise in the towns ten times more difficult. The hon. and learned Solicitor General says that this is a kind of Dutch auction; that lowering the franchise for the counties will render it necessary, ere long, to lower it for the cities also. I come to precisely the opposite conclusion. Stand upon the ancient difference between the two. If you establish one common level with a view to prevent the lowering the franchise in towns, there will be a rush to lower both, and that rush will be ten times more dangerous from the force that will be applied, inasmuch as the proposed level is an innovation, and inequality the ancient prescription and usage. I say, therefore, that justice and safety both point to a lowering of the city and borough franchise. The Solicitor General has told us that the Resolution has two objects. He says, in the first place that it indicates a fear to give a direct negative to the second reading of the Bill. I have already stated that, as far as I am concerned, I could not hesitate to vote against the Motion for the second reading, because I think the principles and details of the Bill both objectionable. But then he says, addressing those who support the Resolution, "You talk in general terms of lowering the franchise; what would you do?" Upon that point I speak only for myself. I agree very much with the right hon. Gentleman the Member for Coventry (Mr. E. Ellice) in thinking that if you do lower the franchise in cities and boroughs you should do so effectually, upon some principle known to the constitution of the country, on which a stand may be made against ulterior changes. I say distinctly, in conformity with what has been urged by the right hon. Member for Oxford (Mr. Cardwell) that the ancient borough franchise does rest upon rating and residence; and I am decidedly of opinion that the municipal franchise as originally framed by my noble Friend the Member for the City, with three years' residence and two and a half years' uninterrupted payment of rates, was a good franchise for Parliamentary elections, but since then a most important change—I think an ill-advised one—has taken place as regards rating. It would afford you the best security that could be found for the character of the voter, his permanent residence, his stake in the place in which he lives, and his fitness to exercise political privileges. I may allude incidentally to the statement we have heard in the course of the debate, that the bulk of the taxes are paid by the "Upper Ten Thousand." I repudiate that doctrine altogether. It is only necessary to mention six articles; they shall be sugar, tea, coffee, malt, tobacco, and spirits. These six articles pretty nearly cover the interest of the National Debt, and the duties upon them are paid chiefly by the working classes. On the ground of taxation, therefore, they are entitled to the franchise; on the ground of ancient usage they are entitled to it; and on the ground of their admitted character and conduct, such as the Chancellor of the Exchequer allows to exist on their part—on the ground of their growing wealth, their growing intelligence, and their increasing numbers—they have a fair claim to a larger share of the national representation. In short, let me regard this question in what light I may, I come back to the conclusion that a considerable increase of the working classes in the election of Members of Parliament for cities and boroughs is most expedient, most just, and most necessary. The Secretary for the Colonies put this question in a very pointed manner. He said, "This Bill is emphatically a Bill for the middle class. The cause is theirs." I believe that in this passage the right hon. Gentleman told us the object for which the Bill was framed. It is hoped that the middle classes will be selfish, will pertinaciously refuse any extension of the franchise to classes below them which should, *pro tanto*, be a diminution of their own power, and, on a false calculation, will consequently give their cordial support to the present Bill. The right hon. Baronet went on to say, "Has the time come when it is safe to accept the counter principle that political power should begin to descend to the working class?" So challenged, I do not hesitate for a moment to say that the time has come when political power should begin to descend to the working class.

I would be sorry to weary the House with a discussion of details, but I have the strongest objection to the proposition of voting papers. I have already glanced at that point, and I daresay in a sense which will not be acceptable to hon. Gentlemen below the gangway on the other side, because I have always been opposed to the ballot. I retain my objections to it; but I should not deal candidly with the House if I did not state that in the constituency which I represent no object of reform in my memory has made such rapid progress as the demand for secret voting—I go further, and say that throughout the country I lament it; I think it will end in disappointment; I am not a convert to it, but I do believe that generally throughout the country the desire for the ballot has made greater progress than the demand for any other change. I would wish it otherwise, because, as I have said, I am not a convert to the ballot, and have always voted decidedly against it; but, regarded in that light, I must say that the proposed system of voting papers appears to me the closest approximation to it. The hon. and learned Member for Marylebone (Mr. E. James) has described, and I think I can describe, what will be the effect. Who will be the witnesses? There will be two. One must be a householder, but the other will, I think, invariably be either the landlord's agent, or the candidate's agent, or the attorney's clerk, or the banker's clerk. These are the persons who possess local influence. If the landlord is weary of bringing his tenants together on the morning of an election, or attending them to the polling booths, his instruction will obviously be to his agent, "Mind that all my tenants get voting papers; take care that all is right in point of form; above all, go round and see that the papers are signed." If his influence be not sufficient he will call in the aid of the banker's clerk, probably a householder, who knows well the value of a small cash-credit to country shopkeepers and others, and who will soon explain to them how desirable it is that they should sign the voting papers. Or if that pressure be not enough the influence of the attorney will be brought into play,—the strongest screw, perhaps, of all. What will then be the position of the unhappy voter? He is at his own table in his own house, no person to assist him, no refuge from the importunity—nothing but consent is possible. If bribery is intended, what so sure and secret a mode of accomplishing it? If intimidation, where can it be used with greater effect than in a man's own house? I am persuaded that this system of voting papers will so increase both intimidation and bribery that after the first general election the demand for absolute secrecy, which now is spreading, will become universal. The hon. and learned Member for Marylebone referred to a scene which took place in this House a few days ago. I was present on that occasion, when we had a discussion upon this very question of voting papers in connection with municipal elections, and I think I have the words which were used by the hon. Member who introduced the Municipal Elections Bill with regard to his experience as to voting papers. The hon. Member for Preston (Mr. Cross) said, "It was found that, under the system of voting papers, electors who were unable to write were often fraudulently induced to vote for the wrong candidates. This practice had been going on for a long time, and in consequence of the representations made to him on the subject, he proposed by this clause that voting papers should no longer be used." Thus ten days have not elapsed since this House by common consent, without discussion, struck voting papers, as utterly indefensible, out of a Bill relating to municipal elections; and now we have the proposal made in the Bill of the Government. My right hon. Friend the Member for Leeds (Mr. Baines) has great experience in this matter with regard to the election of Poor Law Guardians. The hon. and learned Member for Marylebone pointed out the great difference between the two cases. There is no great excitement with respect to the election of guardians in ordinary circumstances; but am I greatly deceived if my right hon. Friend would not tell the House that, in his large experience at the head of the Poor Law Board, even with regard to the election of guardians, when there was much local excitement, these voting papers were found to lead to great abuses, and that at least they ought not on any account to be extended. I have gone, perhaps, too far into questions of detail, but they are important, and I wish to show how wide are my objections to this Bill—so wide that I could not hesitate to give a direct negative to the second reading. I object altogether to the lodger franchise which is now proposed. I say that lodgers are a class of persons belonging to a floating population; they have no settled habits; no fixed residence, no payment of taxes, and no abiding interest in the place they inhabit. On all these grounds the provision in the Bill is an innovation, and is not coupled with residence or payment of rates and taxes, which I consider essential. If the amount of rent should drop from the 8*s.* a week mentioned in the Bill to 4*s.*, I think you might as well come to universal suffrage. I also have very great doubt about others of these new franchises. It may be unnecessary jealousy, but why should certificated schoolmasters have votes? In the discussions on the question of education I ventured to predict that the Government of the day would have very extensive influence arising from the arrangements in respect to that matter; but I never expected to see a proposition so soon made, that no schoolmasters other than certificated should have the vote. Then with respect to the pensioners the words are significant. They are—"who shall no longer be permanently employed." You might imagine that occasional employment might be dealt out to them on the eve of an election, and that the pensioners, together with the schoolmasters, would be under the control of the Government. I shall not now argue the question of the savings' banks franchise, and the amount of £60. I think that in the Bill which the noble Lord the Member for London and I introduced the amount was placed at £50. But the more I reflect on this suffrage the less expedient and just I think it. Suppose it were necessary for the qualification of a peer or commoner to vote in either House that he should have a balance of £5,000 at his banker's, how many peers or commoners would have a vote.

I shall now conclude, for I have said enough, and more than enough. I think Gibbon tells us that when a man proposed a change in the fundamental laws of Rome he stood forth in the assembly of the people with a cord round his neck. If his proposition were rejected the innovator was instantly strangled. I hope that my right hon. Friends on the Treasury Bench will not imagine that I am advocating that such sharp justice should be done to them. I understand that they rather contemplate strangling us than we shall be allowed to strangle them. I agree very much with my right hon. Friend the Member for Coventry. If the Government do not think it consistent with their honour to take this Resolution and proceed with the Bill, and if they desire to appeal to the country, advising the Sovereign to exercise Her Prerogative for that purpose, I shall be found most unwilling to take any factious course which might impede them in doing so. But I say this, that a day of heavy reckoning will come in the next Parliament, and within my memory no such responsibility was ever incurred by any executive Government. These considerations are theirs; our consideration is fearlessly and undeviatingly to do our duty in this House. I should have thought that the carrying of the Resolution would have been regarded as a milder course than the rejection of the Bill on the second reading; but if a sense of honour and duty should lead the Government to consider the adoption of the Resolution as equal to the rejection of their measure, and they should act accordingly, they must abide the consequences. I have not, and I am sure they will admit it, taken any factious course in opposition to them. I have not desired their overthrow, and I do not now desire it; but if they think fit to meet their fate they must encounter all the danger as well as all the difficulties. Our course, however, is plain. We must do our duty, while we remain here the representatives of the people of this country, to that noble people whom we represent. We should be ready at all times to give an account of the manner in which we have acted; and for my part, I cannot hesitate both to support this Resolution, and, if necessary, to vote against the second reading of the Bill.

SIR JOHN PAKINGTON: Sir, the House has listened to what has fallen from the right hon. Gentleman the Member for Carlisle with the attention which they always give to whatever falls from his lips in this House; and I am bound to admit that the right hon. Gentleman has on this occasion addressed the House in calm and temperate language, to which it is impossible for the Government or the supporters of this Bill to make objection, I think, however, I am not misrepresenting the argument of the right hon. Gentleman when I say that the objection which he has brought against the Bill is grounded throughout on the identity of franchise. He has touched upon the borough freeholders, and he has touched upon it also with reference to the lowering, or to the not lowering, of the occupation franchise in the boroughs. Before I sit down I will advert to this part of the argument of the right hon. Gentleman; but, Sir, at the outset, I must express my regret at what fell from the right hon. Gentleman with regard to the course which the noble Lord the Member for the City of London has taken in reference to this Bill. The right hon. Gentleman says that because the noble Lord the Member for the City of London objects to the subject-matter of the Bill therefore it is a regular and proper course for the noble Lord to move the Resolution now before the House. But I think the right hon. Gentleman said nothing in the course of his speech which tended to show in the slightest degree why it was not competent to him, or to the noble Lord, or to any Member of this House sharing his feelings, to take objection to those parts of the Bill of which they disapprove when the Bill shall go into Committee. Now, on the part of the Government I complain of the course which the noble Lord has taken. I admit the great weight which is due to the opinions of the right hon. Baronet the Member for Carlisle on any question connected with the practice of this House; but, Sir, I have taken some pains to ascertain from the highest authority how far the course of the noble Lord is consistent with the usual practice of the House; and I have no hesitation in saying, upon far higher authority than my own, that the course the noble Lord has taken is unparliamentary and irregular, and a course of which we have the greatest reason to complain. At the commencement of this Session this House voted an Address to Her Majesty, in which we pledged ourselves calmly and impartially to consider this great question of Parliamentary Reform. The noble Lord has invited us to disregard that promise. We have asked the noble Lord to meet us fairly on the question of Parliamentary Reform, and discuss and consider our Bill. And what has practically been the answer of the noble Lord? "No, we will not even entertain your Bill. We will not allow the Bill to be discussed on the second reading. We meet you with a preliminary Resolution. It is not my object to discuss your Bill. My object is to embarrass Her Majesty's Government—[*Interruption.*]—My object is to embarrass Her Majesty's Government and, if I can, to overthrow the Administration." I was sorry to hear my right hon. Friend the Member for the University of Cambridge, and the right hon. Member for South Wilts give their adhesion to this course. What was the argument of the right hon. Gentlemen? As far as I followed that argument, it was this: that there were parts of the Bill which they sanctioned, and there were parts of the Bill of which they disapproved; and therefore they ought to condemn by a preliminary Resolution those parts of the Bill to which they objected. If this line is justified by the rules of the House there can be hardly a measure of importance brought before Parliament with respect to which it would not be equally competent to hon. Members to take the same course; for it hardly ever happens that any Bill of importance is so drawn but that some parts of it may be acceptable and some parts objectionable. I think, then, the right hon. Member for the University of Cambridge and the right hon. Member for South Wilts should first entertain the Bill, should first discuss the Bill on the second reading, not pick out at the commencement objectionable portions, and therefore condemn the whole Bill. But allow me to say that if this course is open to my right hon. Friend the Member for the University of Cambridge and the right hon. Gentleman the Member for South Wilts it is not open to the noble Lord the Member for the City of London by the speech which he made. But I submit to the House that the speech of that noble Lord, and his Motion did not agree the one with the other. If the Motion of the noble Lord is justified on the ground urged by those right hon. Gentlemen, then the speech of the noble Lord ought to have been altogether different from what it was. On the other hand, if the noble Lord felt bound to condemn the Bill, in the wholesale manner which the words used in his speech would indicate, he was not justified in moving such a Resolution as this. The language used by the noble Lord in his speech to this House was that the Bill was incongruous, dangerous, and injurious. One hon. Gentleman on the noble Lord's side of the House announced to us that the Bill had been condemned on every hustings in the country. It is rather unlucky for that hon. Gentleman's argument that five elections have taken place since this Bill was introduced, and at every one of the five elections, a Member favourable to the views of the Government has been returned. The meaning of the hon. Gentleman was, I suppose, that the Bill was condemned by the country. If that be true, and if the statement of the noble Lord be well founded, that the Bill is incongruous, injurious, and dangerous, then, in conformity with the practice of the House of Commons, there was but one course open to the noble Lord and that was to meet the Bill with a negative and reject it altogether. I am at liberty to consider why it is the noble Lord has not taken this course, but has adopted the irregular one of a preliminary Resolution. In the first place, I dispute the accuracy of the statement that this Bill has been condemned by the country. The hon. Member for Birmingham was one of the Gentlemen, and the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) an other, who made that statement. The hon. Member for Birmingham said that every town and village throughout the country had met spontaneously to condemn this measure. Now, I mean no offence—I speak rather in a complimentary sense—when I say that that hon. Member is rather a bad judge of how far the towns and villages of England have pronounced; because, in consequence of his great reputation as an orator and his extreme views as a politician, whenever the hon. Gentleman presents himself to address an assemblage of his countrymen, whether upon this or any other subject, he is sure to have a very considerable audience. I have no doubt the hon. Member addressed a very large meeting in Birmingham. I should be astonished if I did not hear that the great hall of that town was crowded by his constituents. But what has taken place elsewhere? What has been the expressal of opinions at these meetings? What have been the demands made at these meetings? What was the case at the meeting in the City of London?—though perhaps from the absence of the noble Lord from the meeting it must not be regarded as a very strong demonstration against the Bill now before us. But as an illustration of what the feeling of the country really is, will the House allow me to mention what occurred at Worcester, a city with which I have some connection, and a city in which one of the spontaneous meetings spoken of by the hon. Member for Birmingham was held. I hold in my hand an extract from a newspaper, not a Conservative, but one which rather leans to those views entertained by the hon. Member for Birmingham. It contains an account of a meeting held in Worcester, and says, "Shortly after the appointed hour there was a large attendance, but at no time did it exceed 700 in number, and there was an entire lack of enthusiasm throughout." Only two resolutions were adopted at the meeting, putting aside those of a merely formal or complimentary description. The first resolution was condemnatory of the Bill, and the second, with your permission, I will read to the House. It is in these terms :—

> "That no scheme of reform will be entirely satisfactory to this meeting which does not abbreviate the duration of Parliaments, make some provision for the more equal distribution of seats by disfranchising many small boroughs and the removal of one Member from many places now returning two, extend the franchise to all duly registered occupiers of the whole or part of any house rated to the relief of the poor, also to £10 rentals in counties; and afford protection to the voter by means of the ballot."

The declaration of the citizens of Worcester, therefore—or of that portion of them who attended this meeting—was in favour of the more equal distribution of seats, of electoral districts, of household suffrage, and of vote by ballot. Worcester is a city of 30,000 inhabitants, and this account informs us that there was an attendance at this meeting of only 700 persons. From facts such as these, Sir, I must assume that the course adopted by the noble Lord is the result of a conviction on his part that if he met this Bill by a direct negative he would not have succeeded. I believe that the noble Lord feels that the Bill is a safe and moderate Bill. If it were otherwise the party on this side of the House would not have proposed it; but at the same time that it is a safe and moderate Bill, it is a Bill making large and liberal concessions; and granting, notwithstanding what has fallen from the hon. Gentlemen opposite, a very great and considerable extension of the franchise. What have we heard from the hon. and learned Member for Marylebone (Mr. E. James) this evening? Why, that this Bill would add 15,000 to the constituency of that borough.

MR. EDWIN JAMES begged to observe that in the portion of his speech referred to by the right hon. Baronet he was repeating the statement of the right hon. and learned Gentleman the Attorney General for Ireland that the lodger clause would add 15,000 electors to the constituency of Marylebone.

SIR JOHN PAKINGTON: The hon. and learned Gentleman certainly used the expression; but neither the hon. and learned Gentleman nor any other hon. Member will deny that this Bill would be a large concession to, and confer a great extension of the franchise on, the borough of Marylebone and other boroughs. It is, therefore, my opinion that the noble Lord, being perfectly aware that the House would not reject the second reading of the Bill, thought the only way in which he could obtain a party triumph was by such Resolution as this. But, Sir, I think the course taken by the noble Lord and those who act with him is as ungenerous as it is irregular. The House cannot forget the manner in which the present Government accepted office last year when we were in an avowed minority in this House. The noble Viscount opposite (Viscount Palmerston) boasted on Friday evening of the forbearance which we had received from our opponents. The noble Lord is not the first Gentleman opposite who has held that language. Other hon. Gentlemen on that side of the House have stated that Her Majesty's Government had received from them no ungrudging support. Now, Sir, in reply to what has fallen from the noble Viscount on this subject, I beg to say that I think we have nothing for which to thank him or those who act with him in this respect. We have not forgotten the scene which was witnessed in the House last year, and which was known as "the Cardwell Plot." I am sorry to connect with the name of the right hon. Gentleman the Member for Oxford a scene of such discomfiture and ridicule; but, remembering what passed then, and seeing what is passing now, I confess I think the noble Viscount's claim for forbearance surpasses in what I may call "coolness" anything that ever fell from the lips even of the noble Viscount. At the same time I am ready to admit there is a section of the Liberal party from whom we have received different treatment. Last year, avowing and acknowledging that we were in a minority, we appealed for a fair trial from all parties in the House, and I am ready to admit, that from a large section of the Liberal party we have received a fair trial, and I will add, a generous consideration. Whatever may be the feeling of the hon. Members who compose that portion of the Liberal party in respect to this Bill, it would be ungrateful and uncandid to deny that from a large number of hon. Gentlemen not agreeing with us in politics and not ranging themselves under the same banner with us, we have received a consideration and a treatment in this House widely different from those which have been shown us by those of whom I have just spoken. It was under these circumstances that we felt it to be our duty to deal with this question of Reform. A noble Lord who has taken part in the debate has given it as his opinion that we ought not to have touched this question. I cannot agree in that opinion. That we made a mistake I admit; but that mistake was as to the manner in which we should be met by the opposite side of the House. I contend that we have honourably fulfilled our duty in bringing forward this measure. Looking at the history of this question for the last eight years, we could not do otherwise than bring in a Reform Bill. We could not but recollect that all the three Governments that immediately preceded us had dealt with the question. We could not forget that they had counselled the Sovereign to recommend, in successive speeches from the Throne, a measure of Reform to the consideration of the House of Commons. I will not now dwell on the causes which led to the failure of the Bill of the noble Lord the Member for London in 1852, or to those which led to the failure of the Bill which he brought forward in the name of Lord Aberdeen's Government in 1854; but I must observe, that I think full justice has not been done to us in this House in regard to the line which we have followed in reference to this subject, as compared with the course taken by the noble Viscount the Member for Tiverton. That noble Lord, when at the head of the late Administration, volunteered a promise and an engagement on the subject of reform to a greater extent than we did last year. I admit that we stated it to be our intention to consider the question. But the noble Lord went further. He pledged himself to bring forward a measure last Session. That Session commenced, and a Reform Bill was announced in the Speech from the Throne. However, notwithstanding all this, no Bill was introduced. The noble Lord was not attacked night after night, as we have been this Session, to know when his Bill would be introduced. When the month of February came to a close, a change of Government had taken place, and no Reform Bill had been introduced. An hon. Gentleman opposite, (Mr. T. Duncombe) prompted by what I think was at least a pardonable curiosity, wished to know from the noble Lord what the features of his Reform Bill were. The noble Lord, in reply to a question from that hon. Member, confessed that notwithstanding the pledges and promises he had given in the month of February, no Reform Bill had been prepared by his Government. The noble Lord, seeming to feel that this was for him an unpleasant part of the question, told us in his speech on Friday night that the reason why that pledge had not been redeemed was, that the attention of his Government had been diverted from Reform by the state of affairs in India. Perhaps that was the reason. I do not mean to say it was not; but I do say that we have redeemed the pledge we gave; we have introduced a Reform Bill, and the noble Lord, for some reason or other, did not. We now propose a second reading of our measure by the House of Commons, and we are the first Government that has done so since the time when the subject of Reform was revived. And how are we met by the noble Lord the Member for London? Not by a consideration of our Bill—not by a fulfilment of the pledge we gave to the Queen —but by a Resolution which, if it means anything, means that the consideration of this Bill is to be altogether set aside. ["No, no!"] I say yes. He refuses to entertain this Bill unless saddled with the condition that we accede to a preliminary Resolution which he knows it is impossible for us to accept. We are told on the opposite side of the House to accept this Resolution and go on with the Bill. The last time we heard that language, was on Friday night from the noble Viscount the Member for Tiverton, and I am sorry to say, that that opinion was expressed by him in—(I can speak of it in no other terms)—a tone of arrogance— ["Oh! oh! *and loud cheers*"]—a tone of arrogance altogether unusual between Gentlemen who sit opposite each other in this House. And in that tone the noble Lord presumed to tell us that we were to take a course which he must know perfectly well no Gentleman would condescend to take— which he must have known equally well, that had such advice been offered to him in such a tone, he would have rejected and spurned it with indignation. Then the noble Viscount went on to say, what I confess I heard with the greatest astonishment and disapprobation. I refer to what he said, as to the possibility of a dissolution of Parliament. And I do not construe that part of his speech in any other way than as an attack on the prerogative of the Crown. The language of the noble Viscount was, "You shall not dissolve Parliament. We, the House of Commons, will prevent you. You cannot dissolve without the concurrence of the House of Commons, and that concurrence you will not have." I say, that that was language such as I did not expect to hear from a statesman of such long experience and standing. It was language which I can only consider as being wanting in due respect to the Crown; it was language that betrayed an utter disregard of one of the most acknowledged prerogatives which the Crown enjoys. And for what pretence and for what reason did the noble Lord hold this language? I beg to say in reply, that the Government have never threatened Parliament with a dissolution—["Oh! oh!"]—I challenge contradiction to that statement. We are not responsible for what is said out of doors. We have not presumed to threaten Parliament in any way whatever. All that we have said is this—and certainly I am prepared to repeat it, and the noble Viscount can make any exception to it he pleases—that in the event of any defeat in this House which should make it impossible for us to think it consistent with our own honour or consistent with the principles of the constitution that we could proceed with the public business, it will be our duty, as it has always been the duty of every Government under such circumstances, to tender to the Crown such advice as we think most consistent with our position and the welfare of the Crown and the country. That is the language we should hold—it is constitutional and becoming; but we never threatened Parliament with a dissolution, or that we would give such advice to the Crown; we never said a word that would justify the noble Viscount, apart from the unconstitutional nature of his language, in addressing us in the terms he did. Irrespective and apart from this, I say that the noble Viscount and the noble Lord also, must know that it is absolutely out of the question for us to accept the advice that he was so good as to tender us. The hon. Member for Northumberland (Mr. Beaumont) who may be in the secret of what is going on, told us that it was never intended that we should accept this Resolution—that this Resolution never was drawn for our acceptance but for our rejection. I am sorry, moreover, to say, that I accept the language of the Attorney General for Ireland in speaking of this Resolution—that it is an offensive Resolution. It was drawn with a view to stopping discussion on this Bill. There were two courses open to the Opposition. They might have met us in a fair and patriotic spirit. They might have said, and in my humble judgment they ought to have said, "You have undertaken a difficult task, you have approached a most difficult question, you have undertaken to legislate on a subject which every man who loves his country feels that he ought to promote and desires to see promptly settled; we do not like your Bill; there are parts of it to which we object; we will accept what is good, but reject what is bad, and then throw upon you the responsibility of the course you have taken." This would have been a fair and a manly course, and one in which we ought to have been met; but there was yet another course, and that course was to take the course of party—and I am afraid I do not exaggerate when I say the course of faction. You in effect say, "We do not want to settle this question, or to approach the full and fair discussion of it; we see a Government approaching a difficult task; we will avail ourselves now, as before, of the perplexity of their position, and endeavour to make party triumph over the public cause and principle." Then there was another course open to the opposite side to take, and which the noble Lord adopted. It cannot be disguised both by the course adopted by the noble Lord and the noble Viscount, and the extrarordinary course taken by other Members on the other side of the House, that there is an attempt to place us in a difficulty on this question. There has been a systematic attempt by Gentlemen opposite and carried further by the noble Viscount than by any one else, to place us on the horns of a dilemma, either to make us avow that we stand permanently on some part of the Bill that Gentlemen opposite do not like, or to make it appear that we are yielding under pressure, and conceding everything by degrees. But we do not intend the noble Viscount to place us, as he seemed to think he could on Friday night, in such a dilemma, and I beg to tell him and the House, in the name of the Government, that they have before them their choice. They may accede to the second reading of the Bill, or they may pass the Resolution; but if they pass the Resolution they will not have the Bill. And hon. Gentlemen, whatever their opinions may be, will probably think it will be better to do this. We do not want any more of this attempt to entrap. There has been a great deal too much of that already—more than is consistent with the position or with a sense of fairness on the part of Gentlemen opposite. We have to think—as the noble Lord the Secretary for India well said on a former evening—we have to think and do what in this matter is consistent with our own self-respect. We do not sit here to do the bidding of the noble Viscount. This is what the Government wish to be understood; and, Sir, in the face of a hostile Resolution, we say nothing but that we resist it. You talk to us about the identity of the franchise and the rights of the freeholder. Well, when we come into Committee we will consider it. Do not think we will now allow you to fetter us by a preliminary promise inconsistent with the practice of the House and inconsistent with fair play, or to extort from us conditions and understandings with reference to propositions that we never yet made and with regard to terms to which it is impossible we should accede. Had you met us in a fair spirit, we would have met you in the same; but we have been met with a hostile Resolution, and so long as that Resolution is before us we can say nothing but that it is not consistent with our duty to entertain that Resolution, and until it is disposed of we can say no more. My right hon. Friend the Chancellor of the Exchequer has frankly stated this evening what will be the course taken by the Government if the House goes into Committee. And here I must confess I was surprised at my right hon. Friend the Member for the University of Cambridge trying as he did, in a manner which I think he will hereafter be sorry for, to entangle us into previous promises in regard to that part of the Bill to which he happens to object. In effect, he seems to wish us to give up our Bill, and to adopt one of his own—at all events, he was anxious to have a previous understanding before he votes for the second reading. My right hon. Friend was anxious to have a previous understanding in this matter of identity. Now, nobody is more conversant with the forms of the House than my right hon. Friend, and let me ask him what there is to prevent him, when we get into Committee, from moving that the county franchise shall be raised above £10. And there is nothing to prevent my right hon. Friend the Member for Oxfordshire moving that the borough franchise be lowered to the household suffrage, and which seems to be his plan. It will be competent for the House to do this, and according to the decision come to by the House, it will be for us to determine what course we may think it our duty to take. I confess, that

Sir John Pakington

considering the mode in which the Government have been met on this subject—considering the nature of the opposition it has experienced, together with the tone of the Resolution moved by the noble Lord, I am rather surprised to hear the tone of the censure adopted by the noble Viscount the Member for Tiverton, by the hon. Member for Dovor, and other Members with reference to the language held by the learned Solicitor General. I am the last man desirous to speak at all disrespectfully of the noble Lord—to whom, through the course of a long life, I have been generally opposed on public questions, although there have been some public questions on which I have had the good fortune to agree with him. For the private virtues of the noble Lord nobody entertains a more sincere respect than I do; but it has also frequently been my fortune to be obliged to find fault with him, and perhaps never more so than on the present occasion. At all events, the opinions I entertain I have a perfect right to express, and the noble Lord, I think, would be the last man who would attempt to shelter himself from public observation, or to pretend for a moment that the conduct of public men is not open to public comment in this House. I think I should be wanting in duty if I did not condemn the course the noble Lord has taken on this occasion, and I do not shrink from stating my belief that it is unwise, and that the Friends of the noble Lord have no right to complain if we speak boldly and plainly on this matter. I confess my opinion is that we want a little more of this plain-speaking in this House. My belief is that the conduct of our public men would be improved, and that the conduct of our public affairs would be improved, if there were a little more of this candour and this truth in dealing with these great national questions. So far from joining in censure of my hon. and learned Friend the Solicitor General, I thank him for the language that he used. Not less do I thank the hon. Member for Stroud (Mr. Horsman), who made a speech, the ability and eloquence of which was admitted on all sides, but the ability and eloquence of which speech were amongst its smallest merits. We have heard other able and eloquent speeches in this debate, but I have seldom listened to a speech distinguished by a tone of higher honour or more unswerving truth. That speech, that distinguished speech, I tell the right hon. Gentleman, has struck the country. While he spoke of the priceless honour and reputation of our public men I fully concurred; but I cannot concur with him in another point, for my belief is that the character of our public men is not so high as it ought to be. I do not believe that the public entertain that confidence in our public men which they ought to entertain. They see too much intrigue going on in this House; they see too much scrambling for place; and, Sir, I believe it to be the opinion of the public at this moment, with reference to the conduct of our public men during the last few years, that there has—whatever may have been their motives, into which I will not enter — that there has been too much tendency to think of themselves and their own advancement, and a too little tendency to think of what ought to be the paramount motive, the welfare of the country. The right hon. Gentleman went on to make a rather remarkable confession respecting an important passage in our Parliamentary history which all must remember; and I confess that not the least instructive portion of the incidents that have attended the introduction of this measure has been the remarkable confessions it has drawn forth from several very eminent public men. We have heard a good deal of Earl Grey's letter to a noble Lord (Lord Elcho.) I am not going to criticise the contents of that letter, and far less shall I presume to comment upon the character or the conduct of that noble Earl. But, at all events, never having had any political connection with Earl Grey, I am more free than many hon. Gentlemen opposite to state my opinion of his great ability and high personal honour and character. I am not going to discuss the question whether the course that he took in writing such a letter with regard to this measure was or not one of a strictly constitutional character; but my object in referring to that letter is to remind the House of the confession the noble Earl made, that he had never ceased to regret the part which, against his own judgment, he was induced to take in supporting the Appropriation Clause moved by the noble Lord (Lord John Russell) in the year 1835. What was the character of that Motion? It was a party move. I think no one can dispute that that was a party move; at any rate, whatever may have been its object, its effect was to turn out the existing Government and to put the noble Lord in its place. Again, what was the language of the hon. Member for Stroud? He said he had never ceased to regard with shame and self-reproach the part that he took when he joined in the expulsion of Sir Robert Peel from office in 1846. What was that but a party move? And, again, I say, whatever its object, its effect was to expel the existing Government and to establish the noble Lord in its place. And now we have before us a precisely similar movement; we have now before us a Resolution very similar in its nature to that made with regard to the Appropriation Clause move. How, therefore, can the noble Lord, or his friends either, complain of the imputation that is now thrown upon him that now, as in 1846 and 1835, he availed himself of the political incidents of the day in order, if possible, to eject the existing Administration? Before I refer to other topics I wish to advert to what fell from the hon. Member for Birmingham (Mr. Bright) in the course of a former evening, with regard to my own political connection with the borough of Droitwich. I think I ought to apologise to the House for occupying its attention with a matter so purely personal and so little likely to afford matter of general interest, but I am induced to do so in consequence of the hon. Member having directly appealed to me for a reply to those remarks, because he said that as I had yet to address the House I should have an opportunity of answering him. It did not appear to me that what he said called for any particular explanation; but he said he had discovered that in the borough of Droitwich there were a great number of county as well as town voters, and therefore he said that I did not represent the town at all—that, in fact, there were no town electors.

MR. BRIGHT rose to explain. He did not mean to say that the right hon. Gentleman did not represent the town voters: what he meant to say was, that the great bulk of the constituency in question was what might be called a rural or agricultural voting, and that therefore they returned the Members.

SIR JOHN PAKINGTON: The hon. Member certainly left the impression on my mind that he thought I did not represent the town at all. But, however, it is not the first occasion upon which the hon. Gentleman has gone out of his way to make an allusion to my connection with Droitwich. The last time he did so he went a little further, and said I did not represent anybody, for he said I returned myself. Now, to my mind there is a great deal of difference between the hon. Gentleman's two statements; but I am not sure, Sir, that he thinks them so different. I believe he thinks that representing farmers and country gentlemen is the same as representing nobody at all. I may say, merely in justice to my constituents and myself, firstly, that I do represent the town; and secondly, that a more independent class of electors I do not believe exists in England. Out of 400 voters there are not more than twenty over whom I could pretend, if so disposed, to exercise any sort of influence. There are men of all parties amongst them, and gentlemen, proprietors of large estates, who are strongly opposed to me in politics. I have sat in this house as the representative of Droitwich for twenty-two years, and have never had to contest an election, solely in consequence of the good and kindly feeling entertained towards me by my neighbours; and I have, therefore, as good reason to be proud of my seat for that borough as the hon. Member for Birmingham, or any other Gentleman in this House, has to be proud of the seat that he occupies. I will now pass to the remarks made by the same hon. Gentleman on a former occasion upon the subject of this Bill. Adverting to our proposal with regard to the transfer of the freehold franchise; he stated that our object was to get rid of the town element in counties. I quite admit that the hon. Gentleman is very seldom unfair in his remarks, never, I am sure, intentionally so; but I must say that this statement was one of a most unfair description. First let me tell the hon. Member that the promoters of this Bill have no object whatever, in a sinister sense, in bringing it forward. Our only object has been to offer to Parliament a just and fair compromise of the difficulties surrounding this long-vexed question. When the hon. Member says our object is to get rid of the town element in counties because we propose that the borough freeholders should vote for their borough, he must forget, I think, the proposal we make for adding a £10 qualification to the county franchise. Surely he cannot deny that in every county in England we should thus be adding a larger number than we take away. The same observation applies to the remark of the noble Lord opposite, who said we regarded the borough voters as the Liberal element in the counties; but the fact is we are acting on the very principle which the noble Lord has on former occasions himself enunciated; by the £10 franchise we are adding a very large Liberal element, and in making that proposal we have only followed out the principle advocated by the noble Lord himself, that it is not consistent with our constitution that the counties should be overwhelmed by the towns. I am sure he must admit the £10 occupation voters will be a liberal element, amply compensating for the withdrawal of the borough element. The noble Lord also raised another point—and perhaps there is no point in this Bill more open to discussion—which he said would flood the town with outvoters; and he also objected to the system of voting papers; but, surely, he will not contend that what he said was an argument in favour of the Resolution or against the second reading of the Bill—it is eminently a point for consideration in Committee. I do not mean to say on the part of the Government that we now pledge ourselves either to the adoption or the rejection of this principle; but the fact that the Bill requires a residence on the part of the freeholder transferred to the borough would at once do away with the whole of the noble Lord's argument. The noble Lord, then, in a declamatory tone, condemned what he called the disfranchisement of the freeholders. The right hon. Gentleman the Member for Carlisle has this evening used the same language; several other hon. Members have also denounced what they call "this disfranchisement." I must protest against such an expression. I say that the use of this word is not justified by fact, for I contend that there is no disfranchisement, except prospectively, and then to the very limited extent only of where the double vote exists; then I admit you get rid of one of the votes, and the number of cases in which that will occur is very small. But that term "disfranchisement" has been constantly applied to the transfer of the county freeholders to the boroughs, I contend that when you transfer the votes from the counties to the boroughs it may be wise or unwise, it may be popular or unpopular, but in no sense are you justified in applying the word "disfranchisement" as a proper description of the operation, for in no sense is it a disfranchisement. Then I come to the strong objection raised by the right hon. Gentleman the Member for Carlisle to what he calls the principle of "identity of franchise," and which he founds partly on this so-called "disfranchisement," and partly on the fact that we do not propose to lower the borough franchise as compared with the borough franchise which was of a different nature. But the right hon. Gentleman this evening said that the county franchise had long been a franchise of property and possession. What were the propositions contained in the Bill of 1854 on the back of which were the names of Lord John Russell and Sir James Graham. The Bill of the noble Lord contained five franchises which were common to both boroughs and counties: and what is more it was proposed that they should be exercised by the voters wherever they should reside, whether in counties or boroughs. What happened last year when the hon. Member for East Surrey (Mr. Locke King) proposed to lower the county franchise to £10, and, so far as an occupation franchise is concerned, to make it identical with that of boroughs? The noble Lord voted for that, and the right hon. Baronet the Member for Carlisle voted for it. What remains? There are seven franchises in this Bill, and there remains nothing but the freehold franchise in question between us. We propose to throw the freeholders into the boroughs, and this, it is maintained, is fatal to the Bill. The objection is based exclusively on these borough freeholders, and the distinction which the noble Lord has adverted to, and which my right hon. Friend has adverted to, is a large constitutional objection that we have made one of the franchises common to counties and boroughs alike. Does that franchise stand in a distinctive position? I maintain that after the House passed the Bill of 1832, that distinction was lost. The noble Lord in 1854 admitted that the adoption of a £50 franchise for counties had entirely altered the county constituency, and done away with that constitutional distinction. What else did you do by the Act of 1832? You proposed that all £10 householders in boroughs should do exactly what we propose that other £10 householders should do. In 1832 you introduced an occupation franchise, and in 1854 you proposed five different sorts of franchises, all of which were common to counties and boroughs. In 1832 you transferred the freeholders in boroughs to a large extent; and therefore your argument falls to the ground on this occasion, for the proposal we are now making is nothing more than the extension to another class of freeholders of the very same legislation which you adopted in 1832. It may be prudent or imprudent, but to meet the matter in the way in which you have endeavoured to do is inconsistent with your own legislation. I cannot refrain from noticing what fell from the right hon. Baronet, the Member for Carlisle, in reference to voting papers. He says that this question of voting papers is one of great difficulty in practice. It may be so, but I think that if it can be made safe in practice it will be one of the most valuable of our proposals. It will enable thousands of electors to vote who are now precluded from doing so by different causes. One of the most remarkable facts attending elections of late years is the small proportion of the electors who exercise the franchise, as compared with the number who possess the right to vote. In the election for Marylebone the other day, out of 21,000 electors only 10,000 voted. I believe that, in a very large degree, this arises from a disinclination on the part of the most competent persons to vote, on account of the turmoil and disturbance and on some occasions danger, of a contested election. If we could only succeed in enabling those persons to record their votes without encountering these things, I think we should confer one of the greatest possible boons. I do not see the danger which the right hon. Baronet the Member for Carlisle anticipates in reference to the ballot. He says, if we adopt these voting papers, we shall let in the ballot; but he did not tell us why. I think it would have puzzled him to tell us why these voting papers would lead to the ballot. There is in the adoption of this system no reason why secrecy should prevail; there may be, I admit, some doubt how far we can prevent the system from being attended with abuse; but the question is not one of principle, and may be satisfactorily disposed of in Committee. I was very sorry to hear from the right hon. Baronet, and I think he is the first speaker in this debate who has expressed an opinion opposed to our proposal of a larger franchise. He says, "If you lower the lodger franchise from 8*s*. to 4*s*., you might as well go to universal suffrage." Why should we not lower it from 8*s*. to 4*s*.? I can, however, see no more danger of lowering it from 8*s*. to 4*s*. than of lowering the county franchise from £10 to £1, if this Bill should pass into law. It is a question of prudence and discretion. I contend that if this proposal to give a lodger franchise is abandoned, you will lose the boldest and most liberal proposal which has yet been made; and I believe, at the same time, the safest and most Conservative. It will give the franchise to a large class who did not now exercise it; and I believe that that lodger franchise will be the nearest approach which is politic and feasible to an educational franchise, and I, for one, have no hesitation in saying that I very much wish we could see an educational franchise adopted. Not long ago I had a conversation with a gentleman whose honesty and straightforwardness I admire, and for whom I entertain a most sincere respect and regard. I admire his talent, and I respect his virtues—the gentleman I allude to is Mr. Joseph Sturge, of Birmingham. In the course of the conversation Mr. Sturge told me he should be very glad to compromise the question of the franchise for an educational franchise. I said, "Mr. Sturge, I did not think that you and I were agreed so much in principle; but there is a practical difficulty —what is your test?" He replied, "I should be content that a man should write his name." I argued that many persons might be able to write their name who might be able to write nothing else, and that, therefore, it would be absurd to proceed on that principle. There is the greatest possible difficulty in an educational franchise, but I believe that if you adopt the lodger franchise you will make the nearest approach you can to an educational suffrage; you will give the vote to an educated class, a most competent class, who in town and country have not now the privilege of voting. I was sorry to hear the right hon. Baronet the Member for Carlisle expressing an objection to this franchise, for I believe that it is one of the best of our proposals; and I hope that when any Reform Bill passes this will be one of the franchises. I feel that I must not longer detain the House. I have endeavoured to meet the arguments of my right hon, Friend against us, and I cannot but hope that the Resolution of the noble Lord—which I think a most unfair mode of meeting this Bill—I do hope that his attempt will be defeated. I am prepared to abide the issue of this division. I do hope that the House will deal fairly with this proposal, that they will go into Committee, that they will meet it in a fair spirit, and reject the Resolution of the noble Lord. The proposal of that Resolution I can only attribute to the fact that the noble Lord does not dare to meet our Bill fairly and boldly. Thus, however, must the issue remain; thus must the issue be decided; but let not the House, let not the country fail to understand that we cannot meet the matter on the proper ground. That issue will not be the question—whether we shall pass this Bill, or whether we shall agree to the factious Resolution of the noble Lord. The question is whether the House of Commons will fairly grapple with this difficult subject; whether we shall go, in a fair spirit, into Committee, and whether the House will accept what is good in this Bill and amend what is bad; whether we shall arrive at a settlement of this question on principles safe, moderate and temperate, or fling it abroad to await a settlement hereafter by other parties in a spirit not of safe Conservative reform, but of wild democratic innovation.

Mr. GLADSTONE moved the adjournment of the debate.

RULES OF DEBATE.—RESOLUTIONS BY WAY OF AMENDMENT.

Sir GEORGE GREY: I wish to take this earliest opportunity of calling attention to a statement made by the right hon. Gentleman (Sir John Pakington), which it is due to you, Sir, should receive the earliest notice, and which, if unnoticed, would, I think, be calculated to mislead the House on an important point. The right hon. Gentleman said, that having consulted "the highest authority" as to the rules and practice of this House, he was authorized to state that the Resolution moved by the noble Lord the Member for the City of London as an Amendment to the Motion for the second reading of this Bill is unparliamentary and irregular. But I have the best reason for believing that the right hon. Gentleman made that statement under a total misapprehension. You, Sir, being "the highest authority" in this House, there is no doubt that if you, sitting in that chair and presiding over the deliberations of the House had had placed in your hands a Motion which was unparliamentary and irregular, you would, in the performance of the duty which you so ably perform, have refused to put it. The right hon. Gentleman must have spoken under a total misapprehension, for there can be no "higher authority" in this House than you, Sir, our Speaker. But if the right hon. Gentleman refer to any other authority I must deprecate in the strongest terms any such reference, as this House does not recognize any other authority than yours in regulating our proceedings. I shall be glad, therefore if you, Sir, will favour us with your opinion whether the Resolution of my noble Friend is unparliamentary and irregular.

SIR JOHN PAKINGTON: I am very much indebted to the right hon. Baronet for having called my attention to the expression, and thus giving me an opportunity of explaining it. It was very far from my intention to convey any such meaning as that which has been placed upon my words. I did not for a moment mean to convey that I had received from you any opinion on this subject; and if the expression "the highest authority" escaped my lips it did so inadvertently. If by that expression I was understood to refer to one Speaker, I now state, in the most distinct manner, that I intended no reference to the right hon. Gentleman in the chair; and if anything fell from me which intimated that word "highest authority" was not applicable to you only, I most readily apologise for it. What I intended to convey was, that I had serious doubts as to whether the Resolution was in accordance with the regularity of parliamentary proceedings; and that I had referred—out of doors—to what I considered high authorities; and the result was the opinion which I expressed, that this proceeding on the part of the noble Lord was, to say the least, irregular and inconsistent with the usual practice of Parliament. If I were asked the question, I should certainly say most distinctly that it is competent for the Speaker to put the Resolution. Whether it was originally within the general practice of Parliament to move such an Amendment I cannot say; but I certainly think that inasmuch as the subject matter of the Resolution is germane to the subject of the Bill, it would not be competent to the right hon. Gentleman in the Chair to refuse to put it. I hope this will be a sufficient explanation both to the right hon. Gentleman and to the House.

MR. SPEAKER:—After the appeal which has been made to me, I trust the House will permit me to say a few words upon the subject of this form of proceeding by Resolution. The power of moving Resolutions by way of Amendments, instead of being expanded by modern practice, has, in truth, been greatly limited and restricted. It was correctly said by the right hon. Gentleman the Member for Carlisle in the course of his speech this evening, that in the early days of his Parliamentary career it was competent to any Member, on the Motion that the Orders of the Day be proceeded with, to move an Amendment on any subject, not relevant even to the subject of any one of the Orders of the Day set down for consideration. That power was most properly restricted, in order to promote the conduct of business; but if any hon. Gentleman will consult the Journals of the House he will find that during the time of my immediate predecessor in this chair—and he was very careful to keep the proceedings of this House within correct bounds — it happened that not less than between forty and fifty Resolutions, by way of Amendments, were put by him from this chair. It certainly would have been my duty, if this Resolution had been irregular, before putting it from the chair to have called the attention of the House to it. As the question has now been asked of me, I can have no hesitation in declaring that, in point of order and regularity, it is not possible to take exception to the form of the Resolution which is now proposed.

MR. BASS said, he was sorry to interfere between the right hon. Gentleman opposite and the House, but he thought that the question had been now very fully debated, and unless there was some kind of understanding that it would be finished soon he should be compelled to divide the House on the question of the adjournment of the debate. For what he could see, hon. Gentlemen were ready to go on till Christmas talking on this question of Reform.

VISCOUNT PALMERSTON: I wish to take this opportunity of making a short explanation on a point on which the hon. and learned Gentleman the Attorney General for Ireland made some remarks, I am told, in the early part of the evening. The hon. and learned Gentleman, I am told, in reference to an explanation which I made on Friday night, in answer to some parts of his speech which referred to the affairs of Italy in 1849, asserted to-night that upon further inquiry he had found that his original statement was perfectly correct. I have not had the opportunity of referring to documents; but, speaking from memory, I wish to say that the proposal which Baron Hummelauer stated to me he was authorized to make was, that Lombardy should be erected into a separate Duchy under an Austrian Archduke in connection with the Austrian empire. At that time the Austrians were entirely out of Lombardy; it was in possession of the Sardinian and the other Italian troops. I said to him that of course the English Government had no power to determine upon those matters; if we were asked, all we could do was to give advice to the King of Sardinia, who at that time was the principal agent in these transactions, and to recommend any arrangement which we thought might be satisfactory to all parties; but I said that was an arrangement which it would be idle to propose; that it was not likely that the King of Sardinia would evacuate Lombardy for the purpose of restoring it to the Austrians. He replied that that was what he was ordered to propose, but that he would undertake to go back to Vienna and would recommend an arrangement which might have the effect of rendering Lombardy an independent State, altogether dissevered from the Austrian empire. I said that that no doubt was a great step in advance; but he must recollect that Venice and part of the Venetian territory were at that moment also in a state of practical independence, that armies were marching from all parts of Italy to co-operate with the King of Sardinia for the purpose of freeing Northern Italy from the Austrian domination, and that it was very unlikely that any arrangement would be consented to by Sardinia which did not include in it some portion of the Venetian territory. The King of Sardinia, I said, was not a man likely to consent to any arrangement which would have the effect simply of adding to the territory of Sardinia, and would leave Venice to be restored to the dominion of Austria, which for the moment had been shaken off. Baron Hummelauer stated that he would return to Vienna, and submit to his Government the answer which I had made to his proposal; but before any result could arise things in Italy took a different turn, the Austrian Government having reconquered Lombardy by force of arms, determined by force of arms to retain it; and they then stated that the whole arrangement must be considered altogether at an end.

MR. WHITESIDE: The statement of the noble Lord does not at all affect the truth of what I stated. I have referred to the papers, for I took a great interest in the question at the time, and the House may well conceive that communications respecting the future destinies of kingdoms were not allowed to rest on vague conversation. The fact is, that Lord Ponsonby apprised the noble Lord by a communication from Vienna that the Royal family of Austria were inclined to give up Lombardy, provided an arrangement could be made by which Lombardy should take a fair share of the public debt, and the noble Lord was also apprised that Baron Hummelauer was coming to England to endeavour to make arrangements for that purpose. The noble Lord is quite accurate in his statement, that the first proposition of the Austrian Government was, that Lombardy should have a separate administration—a separate Government—and that would have been a great step gained—a national army, and a Government which would be acceptable to the people; but, as has been truly stated by the noble Lord, that as Modena and Parma should be thrown into the bargain, that the future ruler should be a member of the Austrian Royal family. To such a proposal the noble Lord, as he says, objected, and he seems to have forgotten that Baron Hummelaur wrote, as the result of his interviews with the noble Lord, and of the impression made upon him by the statements of the noble Lord, that he thought it right to state the principles on the basis of which a new arrangement might be made, and he enclosed that statement of principles, the very first paragraph of which was, that Lombardy should be free and independent, that she should choose her own Government without the control of Austria, if England would consent to settle the affairs of Italy on this basis. I agree with the noble Lord that the paper proceeds to say that the same terms would not be offered to Venice—Austria could not give up Venice—but it was proposed that she should have a separate administration and a separate army. The noble Lord took from the 23rd May to the 3rd of June to consider these propositions, and I venture to say that he then had a golden opportunity of settling the affairs of Italy, which may never again occur. On the 3rd of June he informed Baron Hummelauer that, so far as Lombardy was concerned, the terms were satisfactory; but he insisted that Venice should be thrown into the arrangement. That was refused. Then Austria proceeded to assert her rights by force of arms; and then in the month of August the noble Lord wrote to Lord Ponsonby to say that he was willing to settle the affairs of Italy upon the terms proposed in May. It was then too late—it has been always too late from that time—and I fear that this one golden opportunity having been neglected, it will be too late for the future.

Sir GEORGE LEWIS understood that the hon. Member for Derby opposed the adjournment of the debate with the view of getting some decision as to its termination. The debate had now lasted five nights, and he thought it would be convenient to come to a general understanding that the debate should close to-morrow night.

Major EDWARDS objected to any such understanding. It was all very well for the great guns to go off night after night; but they should recollect that there were other Members who, though they were not of the same callibre, had constituents, and wished to justify the vote they were about to give to them, as it was probable they would soon appear before them. He was anxious to say a few words himself, and he hoped this debate would not close till he had had an opportunity.

Sir ERSKINE PERRY was also one of the small guns that had been charged during the last two nights, and had not had an opportunity of going off. He was bound to say that, as the debate had gone on, he had found hour by hour that the points he had intended to dwell upon had been taken up by others; and, therefore, with the modesty which ought to belong to him, he was willing to let the debate come to a close without intruding his opinions.

Mr. HUDSON wished to ask whether this was part of the system which the noble Lord wished to exercise over the House on Friday nights? whether he was now beginning to exercise a tyranny over the House? He was willing to stop till Christmas, but he intended to have an opportunity of speaking.

Mr. CONOLLY said, that the subject was one of such universal interest that the debate ought not be hurried to a conclusion.

Mr. WESTHEAD said, as the City of York, which he represented, contained 1,100 county voters, he could not forego his claim to be heard in explanation of his views.

The CHANCELLOR of the EXCHEQUER said, he had entertained an earnest expectation that the debate would close on the following day—but he must say that this was a subject and an occasion for consulting the general feeling of the House, and he had no wish to press for the termination of the debate in opposition to that feeling. There seemed to be an equal indisposition on the two sides of the House that the debate should close the next day, and he would not, therefore, press for its termination, although he was perfectly prepared for it if the House desired that it should terminate.

Mr. P. O'BRIEN said, up to that time not a single Irish Member had spoken.

Debate *further adjourned* till *To-morrow.*

MASTERS AND OPERATIVES BILL.

ENTRY OF SECOND READING EXPUNGED.

Entry in Votes of the 24th March of proceedings on Second Reading of the Masters and Operatives Bill read; and the House being informed that the said Bill had been read a second time by mistake, it was, on the Motion of Mr. Secretary Sotheron Estcourt,

Ordered, That the proceedings upon the Second Reading of the said Bill be null and void.

Bill to be read 2° on *Wednesday* 4th of May.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 29, 1859.

Minutes.] Public Bills.—1ª Petitions of Right; Affidavits by Commission, &c.

JURIES IN CIVIL CAUSES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Lord CAMPBELL rose to move that the Bill be now read a second time. The noble and learned Lord said it was clear from the thin state of the House, [many of their Lordships had gone to the other House to listen to the adjourned debate on the Representation Bill] that there was some attraction elsewhere; but though more stirring, he doubted whether it was more important than the question he had to bring under their Lordships' notice. He earnestly implored their Lordships who were present to give their patient attention to the reasons which had induced him to bring before them the Bill of which he was now about to move the second reading, the object of which was to render it unnecessary that there should be unanimity in juries when engaged in trying civil causes. He did not propose to interfere with criminal causes. It had been a long established legal maxim in this country—and he hoped it would ever so remain—that no person should be held to be guilty till his guilt was found by the unanimous verdict of twelve honest men. That system had answered very well, and he hoped it would not be altered. But there was a great difference between civil and criminal jurisdiction. In criminal cases there was generally only one single issue to be tried, and unless the case was made out on clear evidence to the satisfaction of all the twelve jurors, the prisoner ought not to be convicted. But with regard to civil cases there might be many issues, some of them of a very complicated nature, and upon all of them, according to the present state of the law, the jury was required to be unanimous. The only disadvantage connected with requiring unanimity in criminal cases was that now and then a guilty man might escape ; but it was better, according to the maxim of law, that nine guilty men should escape than that one innocent man should be condemned. But in civil cases requiring unanimity, it often delayed, and might amount to a denial of, justice. Thus, in the question of a disputed title to an estate which belonged either to A or B, it might happen that no determination could be arrived at, and jury after jury might be discharged without pronouncing a verdict. This state of things was not derived from our ancient laws. It was not till long after the reign of Richard I. that unanimity was required in civil cases. The law reports showed that in the reign of Henry III. a case to recover lands (that of "The Abbot of Kerslede *v.* D'Eynecourt") was tried by twelve jurymen, eleven of whom were for the plaintiff, and one for the defendant ; and the Court adjudged, in accordance with the verdict of the eleven, that the lands should be held by the abbot and his successors for ever. Another civil case, that of "Tristram *v.* Semenel," occurred in the same reign, which was tried by eleven jurymen. Ten found for the plaintiff, and one for the defendant, and as the report stated, *quia dicto majoris partis juratorum standum est, &c.*—the majority being for the plaintiff, it was adjudged that the plaintiff recover the lands for which he sued, and damages. The first mention of unanimity being required in civil cases occurred in *Fleta, temp.* Edward I. There were two modes in those days of obtaining unanimity ; either the sheriff was directed to keep the jurymen *sine cibo et potu* until they had agreed, or an addition was made to the number of the jurymen, in order that the assent of at least twelve might be obtained—just as now, as their Lordships well knew, the grand jury might consist of twenty-three, and it was enough if twelve of them found a true bill. The superstitious notion therefore, that the unanimity of twelve jurymen had been required from all time was wholly without foundation. In a treatise, the date of which was uncertain, the author said that "of late the number of jurors had been reduced to twelve," and the reasons which he gave for the adoption of that number were these : —"Like as the Prophets were twelve to foretell the truth, as the Apostles were twelve to preach the truth, the discoverers twelve sent into Canaan to seek and report the truth, and the stones twelve that the Heavenly Heirusalem is built on ; and as the judges were twelve anciently to try and determine matters of law," to which Lord Coke added other duodecimals, "twelve tribes of Israel twelve months in the year, and twelve Cæsars!" There had been in the course of years many alterations in the law and practice with respect to juries, arising out of the circumstances of the times and the varying sentiments of mankind. Formerly it was thought that jurors should come from the part of the country where the cause of action arose ; but experience showed that neighbours were apt to be partial, and after various changes it was at length determined that they should be taken from the body of the county. Again it had formerly been necessary that jurors should be freeholders ; but that was altered now, and the last qualification, under Sir Robert Peel's Act, was that they should live in houses with seven windows. It certainly seemed very strange that in civil cases, the consideration of which admitted of such varied shades of opinion, the unanimity of twelve men should be required. There was no analogy for it in the case of any other tribunal. Among the Judges the decision of the majority was sufficient ; and, in their Lordships' House, whether sitting in their legislative or judicial capacity the majority determined the question. Even in capital cases by bill of attainder or indictment, a simple majority sufficed. From a strict adherence to the rule of forced unanimity there arose the most serious evils and inconveniences. In the first place a single wrongheaded or corrupt juryman had it in his power to defeat justice, and to compel his colleagues, as well as himself, to violate the oath which they had taken to find a verdict according to the evidence. Jurymen were summoned to a distance from their avocations; they were obliged under heavy penalties to attend; they were liable to be fined if they did not do their duty; and after listening for hours, or it might be days, to the evidence, if they did not agree, they were locked up, and kept without meat, drink, or fire—candlelight excepted—be it summer or winter, no person being allowed to speak to them, except to ask whether they were agreed upon their verdict. In that state they undoubtedly might be confined until one at least of them was ready to die or was seriously ill. And Blackstone stated in his *Commentaries* that "at the assizes, if the jurors did not agree in their verdict before the judges left the town, the judges were not bound to wait for them, but they might order them to be put into a cart and carried round the circuit from town to town until they agreed." An oral tradition varied this dictum, and laid it down that the jury might not be carried out of their own county but must be carried to the confines of the county and there shot out into a ditch. This being the law, he appealed to his noble and learned Friends whether it was one which they considered ought to be longer maintained? He believed that it must be maintained if unanimity continued to be required, but surely unanimity could not be required if it was only to be obtained by such compulsion as this. If indeed this Bill should not pass, and unanimity should still be required, no doubt the system of compulsion must be enforced. He had already observed that unanimity was not required on the part of other tribunals. Not long ago the Lord Chancellor and the Lords Justices had to try a matter of fact in the Court of Chancery. They heard the evidence, but they were not locked up all night *sine cibo et potu*, nor were they carried in a cart to the confines of Middlesex and shot out into a ditch. They rode home in their carriages, ate good dinners, and slept in comfortable beds, and then, talking the matter quietly over among themselves, afterwards delivered a very righteous judgment. In many many cases of disagreement between jurymen it was a struggle between nature and conscience which should prevail. Of course he did not know much of what passed in the jury-room after the jury had retired to consider their verdict, because it had been laid down as a law that no affidavit should be received from a juryman with regard to what took place in the jury-room, otherwise very strange revelations would be made. Bailiffs had overheard juries tossing up for their verdict, and the Courts were very frequently called on to set aside verdicts which were evidently the result of compromises, and represented the conscientious opinions of neither one side nor the other. Such cases had come before him again and again. In a late action tried before him against a railway company for damages sustained by an accident the jury returned a verdict for the plaintiff, with one farthing damages, whereas if he had any right to a verdict, he was entitled to some hundreds of pounds. Such a verdict of course he could not receive, and he told them to go back to reconsider it, because either the plaintiff was entitled to a verdict with very considerable damages, or else he was not entitled to a verdict at all. They said they had delivered that verdict because they could not agree. He tried to induce them to come to some agreement, as he very often tried to flatter juries into a verdict by insisting that they would certainly agree if they would only talk the matter over again; but ultimately he was obliged to lock them up all night *sine cibo et potu*, and without fire, except candle-light, though he had directed, stretching the law, perhaps, a little, that the supply of gaslight should be very liberal. In the morning, however, it was found that they still could not agree, and ultimately he was obliged to discharge them without giving a verdict at all. The consequences to the parties when juries could not agree were often very serious. Sometimes, when a trial had lasted a whole week, and enormouse expenses had been incurred, the jury would be discharged without a verdict; and then there had to be a new trial, which was never so satisfactory for many reasons as a first trial. The late Mr. Hallam, in *The Middle Ages*, praising the old system of trial by jury, excepted "that preposterous relic of barbarism, the requirement of unanimity." Mr. Forsyth, also an eminent juridical writer, said—"Why should the perverseness or knavery of a single juryman be allowed to invalidate the verdict which eleven others are agreed to give? It remains to be seen whether the Legislature will much longer tolerate such an anomaly." Professor Christian said, "the unanimity of twelve men, so repugnant to all experience of human conduct, could hardly in any age have been introduced into practice by a deliberate act of the Legislature." The Common Law Commission, of 1830, of which his noble and learned Friend Lord Wensleydale was a member, reported :—

> "Regularly the jury are not allowed to be discharged, unless by consent of the parties, until a unanimous verdict has been returned. It is difficult to defend the justice or the wisdom of this principle. It seems absurd that the rights of a party in questions of a doubtful and complicated nature should depend upon his being able to satisfy twelve persons that one particular state of facts is the true one. It is obvious that the necessity of returning a unanimous verdict before they separate must frequently lead to improper compromise among the jurors of their respective opinions. There is reason also to apprehend that when any of them happen to be actuated by partial motives it must tend to produce a corrupt verdict. The interests of justice seem manifestly to require a change of the law upon this subject."

They recommended that after a jury had been kept twelve hours in deliberation the verdict of nine should be accepted. The Commissioners of 1851, consisting of several Judges and some of the most eminent counsel of the day, strongly condemned the present system of compulsion, and recommended its abolition. They proposed that the jurors should be allowed every comfort while they were deliberating, and that at the end of a limited time if they could not agree they should be discharged. This meant that compulsion should be taken away, but that unanimity should still be required. Of this he disapproved at the time, and when a clause to that effect was introduced into the Common Law Procedure Bill, he induced their Lordships to adopt the recommendation of the Commissioners of 1830, and to make the verdict of nine good after twelve hours' deliberation. The clause was adopted by their Lordships, he believed without a division and without a dissentient voice, and the Bill so altered went down to the other House. The House of Commons, unfortunately, did not agree to it. Yet, in 1854, when Mr. Dunlop introduced a Bill relative to juries in civil causes, they agreed to a clause carrying that proposition *ipsissimis verbis* into effect in Scotland. The Act had worked most advantageously in Scotland, and he had no doubt this Bill would work equally well in England. He had received a letter on the subject from the learned Gentleman who was the noble Earl's Lord Advocate in 1852, and who had since been raised to the bench. Lord Colonsay wrote to him spontaneously, and not in reply to any communication from him :—

> "73, Great King Street, Edinburgh,
> Dec. 23, 1858.
>
> "My dear Lord Chief Justice,—You are probably aware that in 1815, when jury trial in civil causes was about to be engrafted on our judicial procedure in Scotland, the question of unanimity was much discussed here. The feeling in Scotland generally was not favourable to the principle of unanimity. The people of this country did not relish the idea of a man from considerations of expediency surrendering or compromising his opinion on any matter, however trivial, against his honest conviction of the truth and justice of the case. But the practice in England was referred to as conclusive authority the other way. Whatever pertained to jury trial in England was held to be essential to the perfection of the system. Mr. Adam, who was to preside in the new tribunal, worshipped with becoming reverence the sacred element of unanimity which he had seen operating so beneficially in England. Thus unanimity was imported into Scotland as being an essential element of jury trial in civil causes. But though so authoritatively introduced, it was not cordially received, and I confess to having been one of those who never could be reconciled to it. The only argument in favour of it that ever appeared to me to be of value practically was, that in cases of difficulty, in which at first sight there was room for difference of opinion which might be cleared away, it compelled the jury to discuss the matter deliberately, and was thereby calculated to elicit truth and lead to a sound result, and prevent a hasty or ill-considered verdict by a majority, perhaps swayed by impulse or actuated by impatience. But it always appeared to me that this advantage could be obtained by requiring the jury (if they differed) to be enclosed for such time as would insure deliberate discussion, and after the lapse of that time receiving the verdict of such a majority as would show an overwhelming preponderance of opinion, and thereby give weight and authority to the verdict. In 1854 my Friend Mr. Dunlop, the Member for Greenock, entertaining similar views, introduced a Bill which passed both Houses of Parliament and received the Royal Assent. It enacts that after the jury have been kept in deliberation for six hours a verdict agreed to by nine of them may be received. That statute has been acted upon repeatedly. I can at present call to mind three instances in cases tried before myself. In all of them the trials occupied a great deal of time, and must have put the parties to much expense, which would have been unavailing if attended with no result. One of them was tried in the summer of 1853. It was a case of alleged fraud. There were two issues sent at the same time to the same jury. The trial occupied two days. The jury could not agree, and after deliberating for six hours they returned a verdict in favour of the defender by a majority of eleven to one on the first issue and nine to three on the second issue. Another of the cases was tried at Christmas sittings, 1855. It arose out of a contract for making a railway. The contractor was the pursuer. The trial lasted three days, and resulted in a verdict for the pursuer by a majority of ten to two, after six hours of deliberation. The third case was tried in spring, 1858. It was for infringement of a patent, and occupied four days.

It resulted in a verdict in favour of the patentee by a majority of eleven to one after deliberation for six hours. Judging from my observation, I would say that a majority of nine to three is calculated both to obviate the mischief of obstructiveness and to secure respect for the verdict. But I think that the period of six hours required for deliberation is unnecessarily long; half that time would probably be sufficient to induce even obstinate jurymen to listen to reason and to make reasonable concession in order to avoid being locked up for so long a time. It has occurred to me that practical information of this kind might perhaps be of use to you, or at least not unacceptable."

The Faculty of Advocates had held a meeting, in which they had unanimously expressed an opinion that Mr. Dunlop's Bill had worked beneficially, and that it might be still further extended with advantage. The Bill now proposed required that the jury should be locked up for six hours, and that then, if they were not unanimous, the verdict of nine should be taken. He was told that all his learned brethren upon the bench were against him. However much he might regret that circumstance, if it were true, yet they might change their opinion, as they had done in respect to the Bill for permitting counsel to address the jury for prisoners who were indicted for felony. But it was a great mistake to say that his learned brethren were all against him upon this point. Mr. Justice Erle, a most distinguished Judge, told him he doubted the propriety of his Bill, but the very next day Justice Erle was obliged to discharge two juries consecutively because they could not agree upon an unanimous verdict. The result was that Mr. Justice Erle came to him and said that he had changed his opinion and urged him to proceed with his measure. About a month ago he had received a letter from Mr. Justice Crowder, giving his experience of the working of the present law requiring unanimity in juries. Mr. Justice Crowder said:—

> "You wished me to send you the names of any cases in which I have been obliged to discharge juries during the present sittings. On the 21st I discharged the jury in 'Webster *v.* Fenner,' after they had been locked up many hours. This case had been tried before my brother Byles, and he had been under the necessity of discharging his jury. So that after two long and expensive trials no results have been produced to the parties. Yesterday, in the case of 'Nathan *v.* Jacob,' before a special jury, I was obliged to discharge the jury after being locked up a considerable time. The trial occupied a whole day, and must have been attended with great expense. There was also a case of 'Chaplin *v.* Dodds,' tried before me a few days ago at these sittings, in which the parties consented to discharge the jury, aftey they had been locked up many hours without a chance of their agreeing."

Here, then, were three cases at one sitting in which the juries were discharged without coming to a verdict. A Return had recently been moved for by a noble Lord opposite; but it did not affect the case at issue, because it was a return of the number of cases in which juries had been locked up all night; whereas what he complained of was the number of juries discharged without coming to a verdict. According to the strict letter of the law juries ought to be locked up all night; but the Chief Justice of the Common Pleas and the Chief Baron had never done so. He had himself ordered juries to be locked up all night again and again; but, whenever he found there was no chance of their agreeing, he discharged them without locking them up. By this Bill juries would be allowed to have all needful accommodation and refreshment, and then, at the end of six hours, if nine of them had agreed, the verdict of these nine would be taken. He wished to remind their Lordships that juries were not so submissive now as formerly. They liked to think for themselves. He had no motive, except the due administration of justice, for bringing forward such a Bill; and he could assure their Lordships that the greatest hindrance and inconvenience to the administration of justice in the present day arose from the law which insisted upon the unanimity of juries.

Moved, That the Bill be now read 2^a.

LORD LYNDHURST: My Lords, although it is my misfortune not to have heard all that my noble and learned Friend said in moving the second reading of the Bill under consideration, I conceive it my duty to state to your Lordships the opinion I entertain respecting this question. I speak most unfeignedly when I say I regret that my noble and learned Friend should have mooted this subject before your Lordships. The object of the Bill is to change one of the fundamental laws of the kingdom—one of the most important and fundamental laws of the kingdom—namely, that which relates to trial by jury, which has existed in its present form for 500 years, and during the whole of that time been admired and applauded by all the most eminent lawyers who at different periods have adorned the judicial tribunals of this country. I venture to think, my Lords, that a very clear, distinct, and satisfactory case ought to be made out before we proceed to make any alteration in that law; and it is because, after attending to the statement of my noble and learned Friend, and after having read a good deal on this subject, I am not satisfied that the alteration proposed will be a wise and beneficial alteration, that I feel it my duty to oppose the second reading of this Bill. My noble and learned Friend is a man of most singular energy and intellectual vigour, and sitting on the judicial bench, he has every opportunity of observing what necessity there may be for alterations in the law, which he afterwards endeavours to carry out in the Legislature. My noble and learned Friend, in his time, has been instrumental in effecting many important changes not only in the administration of the law, but even in the law of Parliament, and, if I am correctly informed, only so late as last evening he declared himself an advocate of election by ballot. The case under which this Bill has arisen has been adverted to by my noble and learned Friend. It arose in consequence of an accident on one of the railways. Ten persons had been injured by that accident.

Lord CAMPBELL: My noble and learned Friend will pardon me for saying that in the last Session of Parliament, before that trial, I gave notice of this Bill.

Lord LYNDHURST: I am not now stating anything with respect to the notice given by my noble and learned Friend. Ten actions were brought in consequence of that accident. Out of those ten actions five led to no result, and one was tried by my noble and learned Friend. It was a question of extreme difficulty. One of the jurymen differed from the rest; my noble and learned Friend was dissatisfied with his conduct, and expressed himself in strong terms. I do not find fault with him for that, but I say it was a question involved in great difficulty. Five juries tried the same question, and came to no result. Some difficulty may be experienced by my noble and learned Friend in such cases while unanimity is the law; but of this I am persuaded, that if you introduce the principle of a majority, juries will then be under the direct influence and almost under the control of my noble and learned Friend. My noble and learned Friend, as your Lordships are aware, is very fond of introducing a little pleasantry into the proceedings of courts of justice, with the view to relieve their dulness. Upon the occasion to which I allude the jury were brought into court in the morning; they were wretched, haggard, pale, and exhausted; and then it was my noble and learned Friend made a statement which he has in substance repeated this evening, and gave a history of the law with respect to the unanimity of juries. He told them that, according to ancient tradition, at assizes, if a jury differed, the Judge ordered them to be taken round the circuit in a cart, and then thrown into the next ditch. Of course my noble and learned Friend knew that would produce some laughter, in which, however, the jury so circumstanced could hardly be expected to join. But he assuaged their feelings with soft words; they had been confined all night, and he said, "You have suffered great inconvenience, and therefore I will discharge you." That was the result of the case in question. I have thought it necessary, my Lords, to examine a little into the accuracy of the statement made by my noble and learned Friend on that occasion; and I have to state that there is no instance to be found in the judicial history of this country in which a jury have been carried round a circuit in a cart, much less of their having been afterwards shot into a ditch. I will tell your Lordships how a contrary impression appears to have originated. Five hundred years ago, or nearly so, a case was brought before the Court of Common Pleas from the assizes, in which eleven jurymen had agreed and one had dissented. The person who reports what took place on that occasion—500 years ago, your Lordships will bear in mind—has a note, saying that in the course of the discussion the Judges said if the jury could not agree the Judges should have taken them with them in a "*carr.*" until they agreed. I defy my noble and learned Friend to quote any authority for the statement he made, not an Act only, but a word in any book on the subject. The only authority is the note which I have quoted; and there is no instance of that having been acted on. My noble and learned Friend has cited Justice Blackstone. Justice Blackstone refers to this very note. Allow me to say that my noble and learned Friend is wholly incorrect. You would suppose from his statement, and particularly from the manner in which he put it to the jury, that the Judges meant to inflict some indignity on the jury. The word mentioned is a French word abbreviated, which has been mistranslated by my noble and learned Friend. What, let me ask, was the mode of travelling in those days? On horseback, or, if not of horseback, in covered waggons. Coaches and carriages were not in use for 200 years afterwards. The proper translation of this word was, that it was the duty of the Judges to have carried those gentlemen with them in covered waggons until they came to an agreement. That is obviously the meaning of the passage to which reference has been made. I thought it my duty to make this explanation to your Lordships.

LORD CAMPBELL: Blackstone's translation is "in a cart."

LORD LYNDHURST: The word is *carr.* an abbreviation for *carreo,* which means a waggon going on four wheels, and covered with a cloth. My noble and learned Friend now proposes to change a fundamental law of this country which has existed 500 years without being questioned, and which has, during that time, received the sanction of the most eminent of our lawyers. Now, see how this system works. I have made some inquiry into the manner in which the law now operates. In nineteen cases out of twenty a jury never retires; it comes to a conclusion at once. When jurymen retire, what takes place? Each juryman, has, of course, some impression of the case; they discuss the subject between them; each man says what he thinks of the evidence; they deliberate, discuss, come to a conclusion, and agree on a verdict. My noble and learned Friend has said something about a compromise; it is not a compromise at all; it is a matter of discussion; each man states his opinion of the evidence of So-and-So; they think the matter over, after long discussion come to a conclusion, and with that conclusion come into Court. Is that unreasonable? Has it anything of the character or appearance of a compromise? A number of gentlemen go into a separate room, consider facts, and the conclusion to be drawn from those facts, and generally come to an agreement. What is the advantage of this system? Every man must feel it is of the utmost advantage to insure discussion that the jury should sift every point referred to them; no process can be more satisfactory. I admit there is a class of cases in which something approaching to conciliation and compromise may occur—I mean cases of damages in which no certain test exists, and the amount may be a matter of opinion; in such cases the jury may come to something like a compromise. But that will apply equally well to nine men as to twelve; no nine men can agree, without previous consultation, on what precise sum shall be awarded as damages. So your Lordships see at once you gain no advantage by going from twelve to nine. But the cases are very rare in which one or two persons hold out, and do not agree with the rest of the jury. And because cases of this kind occasionally occur will you, for that slight inconvenience, make an alteration in the fundamental law of the country, and the great system of trial by jury? What is the consequence if a jury disagrees and is discharged? Nothing more than this—that there is a new trial. And what proportion do the new trials ordered on this account bear to those that take place from other reasons, even from the Courts in London? Two or three a year is the very utmost. I was formerly one of the Judges of a common law court, the Chief Baron of the Exchequer. I sat in London, and I went on circuit; and during the whole time I held the office not one instance ever occurred of a jury being discharged for want of unanimity. I have presided as a Judge in Wales; I do not know if any noble Lord is present connected with that Principality; but its people are not very apt to abandon any opinion they have once formed. Yet even in Wales not one instance occurred, while I administered justice in that part of the world, of a juryman holding out. That is a pretty good experience. I practised many years at the bar, in the Court of Common Pleas, and in that period I recollect only one instance of it, but that was a remarkable instance; one juryman did hold out against the other eleven; it was a special jury, and the question was one of great importance. The person who held out was a merchant of eminence, named Barclay. I remember the whole case as if it occurred yesterday. The jury held out the whole night, and next morning was discharged. The case came on for trial again before another jury, and the result was a unanimous verdict in favour of the opinion entertained by Mr. Barclay, the dissentient juryman; and that verdict was never disturbed. Now, under what my noble and learned Friend contends for, gross injustice would have been done in this case; the eleven would have carried the first verdict, and it would have been a verdict contrary to law, and inconsistent with the facts. I believe that during the last ten years, with the exception of the case that is the foundation of this Bill, there has been no instance in the Courts of Queen's Bench, Common Pleas, or Exchequer, of any jury having remained out all night in consequence of disagreement. And not only so, but no case during those ten years has occurred on any of the circuits. But my noble and learned Friend says, this Bill only applies, not to the cases in which the jury is discharged, but those in which they are confined the whole night. A learned Gentleman (Mr. Best) has written a very able article on the subject; for the purpose of ascertaining what practical conclusion could be drawn from the fact, he has communicated with one of the most eminent *Nisi Prius* lawyers to ascertain what proportion the number of juries discharged in consequence of difference of opinion bears to the whole number of cases tried. He states that nineteen out of every twenty cases are decided without the juries leaving the court; and in those cases in which the jury retired, in not more than one case out of 500 was it discharged in consequence of non-agreement. In the cases of new trials the number is not so great. And this *minimum* of inconvenience is made the reason for putting an end to a great principle that has existed for 500 years! Then take the case of a special jury with a *tales* of common jurymen; on a motion for a new trial will not inferences be drawn in reference to the intelligence of one class and of the other? Take another instance, that of the Judge agreeing in opinion with the three and not with the nine; that will be a case for a new trial as a matter of course. If you adopt the system of the noble and learned Lord, mark what will be the result. The moment the jury get out of court they will look round and see what were the numbers, and if there is a majority of nine to three there will be no more discussion after that. Will the three hope to convert the nine? Will the nine give way to the three? Will it not be a decision by majority without discussion? And will you not take away the foundation upon which the whole system is built if you prevent discussion and inquiry? But suppose the jury are, under the proposed system, divided in the proportion of seven to five or eight to four, then the same inconvenience will exist as now exists. The public look with great earnestness and interest to verdicts reported in the newspapers; but will a verdict of nine to three be equally satisfactory to the public as verdicts now are? No verdict, of course, would be satisfactory to the party losing; but a verdict of nine will be infinitely more unsatisfactory to the party losing than a unanimous verdict; and when he finds that there are nine against him and three in his favour, he will, if possible, proceed to further litigation. Something has been said about the law of Scotland being similar to that proposed by my noble and learned Friend; but we have not had much experience of the operation of that system; and the fact is, that juries are not popular with lawyers in Scotland, who are indeed rather desirous of collecting the facts in some other way and taking the opinion of the Court upon them. We have had experience of the existing system in this country for 500 years; what is the experience in the United States? For 200 years our system has been the law in the United States, and there they do not complain of it, but cherish it. Your Lordships must take not only the fact of our 500 years' experience, but add to it the 200 years' experience in the United States. In France, in 1791, it was decided that a majority of a jury should bind; but see how difficult it was when once there was departure from the principle of unanimity. That system lasted for a little while; then it came to nine to three, then to eight to four, and now they have gone back again to a majority. My noble and learned Friend said, that he does not intend to apply his system to the criminal law; but why not? What is the theory of trial by jury, but that it is thought that the jury is the best means of getting at the facts; and if a majority of nine to three are the best for that purpose, why should it not be applied to the criminal law? There are some cases which can be tried under an indictment or by an action at law. Take the case of libel. A man is brought into a criminal court to answer a libel; he is found guilty, and a penalty of £50 is imposed. There the verdict is unanimous. But if he is brought into a court of civil law for the very same libel and upon the very same evidence, a verdict of nine to three will be sufficient to convict. I ought to beg your Lordships pardon for trespassing so long upon your time. I had no idea when I rose what I had to say. My noble and learned Friend has referred to the opinion of the Common Law Commissioners in 1831. That Commission was composed of most learned persons, for all of whom I have the greatest respect. They came to a conclusion correspondent with the opinion expressed by my noble and learned Friend; but let me read a passage in their Report, which I think is of the utmost importance. They say:—

"The necessity for the unanimity of the jury carries with it one most valuable advantage. In the event of any difference of opinion it ensures a discussion. Any one dissentient person can compel the other eleven fully and calmly to reconsider their opinion."

The subject has been agitated among the profession since the publication of that Report with the greatest interest. Many pamphlets have been written on the subject, and it has been discussed over and over again. Another Commission was appointed in 1855. That Commission had the advantage of the opinion stated by their predecessors, and of the grounds on which that opinion was founded; they had all the advantage of the intermediate discussions, and what is the conclusion to which they have come? Directly the reverse of the opinion of my noble and learned Friend. [Lord Campbell dissented.] My noble and learned Friend shakes his head; but I will presently read to him what they do say. The chief of that Commission was the most eminent Judge who now presides in the Court of Common Pleas—Chief Justice Cockburn. No man more intelligent ever sat on the bench.

Lord WENSLEYDALE: Chief Justice Jervis was the chief of the Commission.

Lord LYNDHURST: Well, everybody knows the eminence of Chief Justice Jervis and his character as a lawyer. Chief Justice Cockburn was the Attorney General at that time. He was a member of the Commission; so were Mr. Baron Martin and some other learned Judges. The Commissioners say:—

"A verdict pronounced by a majority only would fail to give satisfaction to the public; while the consciousness that a portion of his judges were in his favour would only increase the dissatisfaction of the defeated party, and lead to fresh struggles and renewed litigation on his part. Every divided verdict would be urged on the Courts as a ground for a new trial, and might, not unreasonably, be entertained as such. But, perhaps, the strongest argument in favour of the present system is, that by requiring unanimity in the verdict, full and complete discussion is ensured. Under the present system the minority, instead of yielding too readily to the view of the majority, and purchasing ease and release from further trouble—as would probably be in many instances the case, if by simply dissenting all responsibility in respect of the verdict could be got rid of—are naturally led to resist conclusions from which they differ, and from which their sense of duty makes them unwilling to be answerable. Hence arise full discussion and deliberation; and if the one section of the jury yields to the other, it is only because the prolonged discussion has led to altered convictions."

I am not quite sure whether I distinctly heard all that fell from my noble and learned Friend; but if he referred to the first Commission and their Report, and read that to your Lordships as the foundation of the conclusion to which he wished to lead them, without referring to the second Commission, I think that he did not act the part of a fair arguer in a constitutional tribunal such as this.

Lord CAMPBELL: I did refer to the second Commission.

Lord LYNDHURST: Then I beg to apologise to my noble and learned Friend for the doubt I have entertained, and to follow that by a second apology, which I offer sincerely to your Lordships, for having taken up so much of your time upon this question, which I have done most reluctantly, because I really have not sufficient physical vigour to give distinct utterance to the opinions and arguments which I wish to urge upon your Lordships.

Earl GRANVILLE trusted that it would not be thought an act of great presumption on his part if he ventured to speak upon a question of this nature after the two noble and learned Lords who had addressed them; because he thought that it was just one of those subjects on which the common sense of an unlearned person might be brought to bear. The noble and learned Lord (Lord Lyndhurst) in his singularly able speech, evincing that vigour which, thank God, still distinguished him in so great a degree, alluded, in the first instance, to the source of this Bill, and insisted — somewhat unfairly, as he thought, and contrary to the allegation of his noble and learned Friend (Lord Campbell) — that the idea of the Bill arose in consequence of one trial. But his noble and learned Friend (Lord Campbell) had told them that some years ago he carried a similar provision through that House, and that last year he gave notice of this very Bill—

Lord LYNDHURST: I said that the "Bill" originated in that trial. I did not say when or how the "idea" originated.

Lord CAMPBELL: I gave notice of my intention to bring in this Bill before that trial was thought of.

Earl GRANVILLE: He had never been able quite to understand why—seeing that in County Courts it was optional with the parties to dispense with the jury, and that the most important cases were decided in the Court of Chancery and in that House without the intervention of a jury—it was absolutely out of the question to dispense with juries in civil causes before the higher tribunals alone. But he would not enter upon that subject now; but would proceed to consider the merits of the present Bill. In arguing the propriety of these causes being tried by juries, one advantage which had been relied upon was, that it gave to all the parties who were concerned a certain amount of knowledge of the law. But, on the other hand, nothing could be worse for the practical education of those classes than to teach them by a compulsory method to give up their opinion—regardless, perhaps, of their oath—with the view of coming to a compromise and agreeing to a verdict. The noble and learned Lord (Lord Lyndhurst) had shown how, when the jury were brought together, they arrived at unanimity; but he (Earl Granville) could not agree that that was always a wholesome unanimity. Day after day instances arose in which men, trained to the exercise of judicial functions, were unable to come to unanimity; and how could they expect jurymen to do so in all cases, except under a compulsion which was quite unfitted to the age in which we lived, he could not understand. The noble and learned Lord dwelt, with some pleasantry, upon the power which the Judge was supposed to have in dealing with juries. He (Earl Granville) doubted whether there was any power at common law to cart a jury from town to town, and put them into a ditch; but it was immaterial which of the noble and learned Lords was right in that respect, because it was a thing not likely to be done in these days. It was certain, however, that the Judges had a right, and that it was almost their duty, to shut up juries during the whole night, and until they agreed upon a verdict. Could it be denied that this was, as described by Hallam, a "preposterous relic of barbarism"? A story was told of a celebrated Judge, not long deceased, which bore rather upon this point, and showed how the strict letter of the law was sometimes evaded. Being applied to by a juryman, who said that he felt faint and wanted a little water, the Judge said, "the law is against you—it says that you shall have neither food nor drink;" but, after a little consideration, the Judge said, "Still, as I don't think water is meat, and as I am quite sure it isn't drink, you may have the water." In Scotland, the institution of trial by jury in civil cases was new, and it was so unpopular, that of late years the system had been modified, and since then there had been no complaints of its operation. In Van Diemen's Land and New South Wales this system of taking the verdict of a majority prevailed, and unless he was greatly mistaken, it was when the noble Earl at the head of the Government was Colonial Secretary that it was first introduced. The Commission for drawing up a code for India, on which Sir John Jervis sat along with the Master of the Rolls, Sir Edward Ryan, and other eminent persons, recommended that this system of taking the verdict of the majority should be established there. The noble and learned Lord opposite (Lord Lyndhurst) argued that nothing could be more undesirable than that a jury should retire from the box, just count the votes, ascertain the majority without taking the trouble to discuss the matter, and then rush out again with the verdict; but the Bill of the Lord Chief Justice provided that the verdict of the majority should not be taken until the jury had been in consultation six hours without arriving at a unanimous verdict. Therefore the Bill was not open to the charge of diminishing the opportunities of a free discussion by juries of the matter committed to them. On the whole, the alteration instead of weakening was much more likely to strengthen the ancient institution of trial by jury, and he should therefore support the Bill.

Earl Granville

THE LORD CHANCELLOR said, it gave him sincere pleasure that the noble Earl (Earl Granville) had taken part in this discussion, and he believed it would be a practice attended with great advantage if noble Lords would show that they took an interest in matters which, though they were of a legal character and bearing, were yet of great public importance. His noble and learned Friend who introduced the Bill always addressed them with great authority on all matters connected with the administration of justice; yet he would venture, with great deference, to submit that on this particular subject his experience was only second to that of the noble and learned Lord Chief Justice. Perhaps he viewed the matter with the eye of an advocate. His noble and learned Friend, on the other hand, regarded it as it appeared from the height of the judicial bench, and with a very natural desire to make such an alteration in the law as would render juries what was called more manageable. His noble and learned Friend (Lord Lyndhurst), who was always listened to by their Lordships with so much delight, had been found fault with for attributing this Bill to the conduct of a jury in a particular case which the noble and learned Lord Chief Justice had recently tried. The noble and learned Lord (Lord Campbell) said, in reply, that his opinion had been formed long before this trial; but that his noble and learned Friend (Lord Lyndhurst's) statement was correct so far as this, that the measure had been introduced in consequence of the conduct of the jury in that case, was proved by the report of the trial. The report stated that the noble and learned Lord when the jury came into Court next morning—after the little pleasantry of which he was guilty—explained to the jury the present state of the law as to unanimity, and the account went on to say, "His Lordship added that it was his intention to bring in a Bill in the next Session of Parliament to alter the law requiring unanimity in civil cases at least, and to provide that the verdict of the majority or some portion of the jury should be taken." Now, he must really be permitted to say, with the greatest respect to his noble and learned Friend, that it was extremely desirable that a Judge sitting upon the judicial bench should confine himself to his judicial functions; because he was informed that since these remarks were made juries had become much more what Judges called "refractory," and on two or three different occasions they had sent to the presiding Judge to know whether the verdict of a majority could not be received. He wished to call their Lordships' attention to the case which had induced—he supposed he must not say provoked—his noble and learned Friend to introduce his Bill. It appeared that a crop of actions had sprung up out of an accident on the Great Northern Railway, under the fostering hand of one and the same attorney. There were ten of those actions altogether, and it was curious to know what became of them. In the first case there was no trial—the record was withdrawn. In the second, there was a verdict against the company; but a new trial was moved for. In the third, there was a verdict for the plaintiff; but Mr. Justice Erle, who tried the case, was dissatisfied with the verdict, and a new trial was granted. The fourth and fifth were both tried in the Court of Exchequer. Both lasted for two days and a half, and in both cases the jury were discharged without being able to agree in a verdict. The case which his noble and learned Friend the Lord Chief Justice tried was the sixth. The case in all of them was a confessedly difficult one—whether the railway company was chargeable with negligence which would have rendered them liable to considerable damages. It was quite clear that there was a total absence of general negligence on their part—such as the construction of the railway and the state of the carriages; the question whether there was any particular negligence, in driving their express train with considerable speed at night into a mass of rubbish which had accumulated from a landslip near Newark. The jury were unable to make up their minds whether there had been particular negligence or not; but they considered that the case was surrounded with so much doubt that they returned such a verdict as would make each party pay their own costs. The Lord Chief Justice refused to receive the verdict, and remanded the jury. Now, perhaps his noble and learned Friend was right so far. He was entitled to point out to the jury that it was a verdict which, if there were a motion for a new trial, could not possibly stand. The Lord Chief Justice, therefore, sent the jury back again; and just about the rising of the Court the jury returned, stating that they adhered to their verdict—that they could return no other. Now, he must say, with great deference to his noble and learned Friend, that he was bound to receive that verdict. The counsel on both sides were not likely to press for its reception, as it satisfied neither of them; but the Judge was bound to receive it. Instead of that, however, his noble and learned Friend sent back the jury again, and locked them up for the night. Now, he must say that if it had not been that the Judges of the superior Courts were protected from responsibility with respect to their acts in Court, his noble and learned Friend would have been in great jeopardy of having twelve different actions for false imprisonment brought against him. The jury, however, were brought before his noble and learned Friend on the following morning, and as they were still unable to agree they were discharged; and this was the moving cause of the Bill that was now before their Lordships. Now, let them consider the position of this question. He was surprised to hear his noble and learned Friend say that the unanimity of juries did not rest on the common law of the country. It certainly did not rest upon statute law; and his noble and learned Friend admitted that it was established in 1368, so that it had an antiquity of nearly 500 years in its favour, for the unanimity of juries was then established by the decision of the Court of Common Pleas, overturning the bad precedents which had before that time crept in of receiving verdicts without the jury being unanimous. He thought that 500 years was quite sufficient to establish the permanence of any system, and this was a system which had been established 500 years without the slightest objection until very recent times. He believed that those who argued in favour of getting rid of unanimity looked only to the few cases where the juries were discharged without a verdict, while they never regarded the thousands of other cases in which justice flowed on in a smooth stream without any obstruction from juries. He had conversed with some of the Judges, and he found they were uniformly of opinion that the law ought to remain as it was; and one learned Judge, who had been eighteen years on the bench, stated that he only knew of two instances where the jury was discharged without a verdict. He could speak from an experience which went back for nearly forty years, and he had no clear recollection of more than one case where the jury was discharged without a verdict. It was an action against the General Steam Navigation Company; it was what was technically called a "running-down" case, and it was tried before his noble and learned Friend. In the first action the verdict was given against the company; but that verdict was set aside in consequence of a misdirection, or, let him say, a supposed misdirection on the part of the Judge. The second trial also took place before his noble and learned Friend. On this occasion there were five special and seven common jurymen, and the jury having retired for some time, returned into Court stating that they could not agree. His noble and learned Friend, being naturally anxious to secure a verdict, asked the counsel whether they were willing to take the verdict of the majority. He (the Lord Chancellor) being counsel for the company, declined, because he believed that the special jurymen were better qualified to form a correct judgment of the case than their neighbours, and he suspected they were the minority, as they formed the minority of the jury. He afterwards learned that he was correct in his suspicion, the jury being divided seven to five, and they were discharged. The third trial took place before Mr. Justice Erle, when a verdict was given for the company, and no one who heard the question could doubt that that was a fair and just verdict. He agreed with his noble and learned Friend, and here he thought his noble and learned Friend had given the House a glimpse of his motives in introducing the Bill—that juries were becoming more independent than they used to be, and that it was more difficult for a Judge to lead them. But he believed that independence was confined to the metropolis; it was not observed in the country. But while he admitted that the trial was not to be by the Jury alone, but by the Judge and the jury together, and that it was the duty of the Judge to guide the jury as far as he could in coming to a correct conclusion, yet he was afraid that if their Lordships agreed to alter the system of unanimity and allowed a majority of nine to three, or any other majority to determine cases, a Judge with a strong will would be very likely to possess more influence over a jury than it was at all desirable a Judge should have. There were difficulties on the subject, no doubt, and diversities of opinion. The noble and learned Lord Chief Justice had claimed the Report of the Commission of 1831 as in his favour; and though it was true that he had also referred to the Report of the Commission of 1853, and stated that it was against him, yet he did so in a very different tone, from that in which he pointed out all the parts that made in his favour. Now, he would at once say that he desired to do away with those absurd restrictions—absurd, because the oath was never administered to the bailiff without exciting laughter. He desired that juries should deliberate in a proper manner, and not be forced to give a verdict through weariness of the flesh, or exhaustion from thirst or hunger. There was another difficulty in this question. His noble and learned Friend did not propose to extend the Bill to criminal cases. But the Commissioners on the Criminal Law, who had issued several Reports, differed from him in this respect; for they said that they thought there should be some alteration of the law with regard to unanimity, at all events with respect to acquittals. Indeed, he (the Lord Chancellor) had heard objections taken to the Bill because it did not extend to criminal cases. And he now asked their Lordships if it were possible for his noble and learned Friend to stop short? Whether, having introduced the law of a majority into civil cases, they could possibly say that it was good for civil cases, but that it should not be extended also to criminal? Let them remember that there were many civil cases which, in their consequences, were quite as serious, sometimes even more so, than criminal. He would take the case of an action for libel, in charging a man with having committed an infamous crime, with a plea of justification. The justification was proved in court, and the party was as much put upon his trial for the offence as if he were arraigned at the bar of a criminal court of justice, and the consequences to him were just as serious. Yet his noble and learned Friend said, "If the case is technically a criminal case, I protect and defend the man by requiring the unanimity of the jury; but in a case of this kind, with consequences just as fatal, I allow a verdict of nine." Again, take the case of a lady of rank who was recently charged with writing anonymous letters. To that also his noble and learned Friend's nine to three would apply. But in cases of this description, was it possible, he asked, to be satisfied with a majority of nine to three instead of unanimity, as was now proposed by his noble and learned Friend? Unanimity was not so absurd as his noble and learned Friend had endeavoured to show their Lordships; for, as had already been properly observed, the requiring of unanimity imposed upon each juryman a responsibility which made him careful in forming his opinion, and obliged him to reason with his brother jurors. But, under the noble and learned Lords' Bill, if there were three dissentients, the majority would cease to trouble themselves about the opinions of the minority; all they would have to do, would be to sit the appointed time, and then pronounce their vote. There was one striking illustration of what the consequences of the present proposal would be, to which his attention was directed a short time ago by a noble Friend who was then in the House. It was an action in which he (the Lord Chancellor) happened to be engaged, and which was brought against a schoolmaster for cruelty to a scholar. The jury who assembled to try that case were three special and nine common jurors. His noble Friend was one of the three special jurors on the occasion. A very strong appeal was made to the feelings and sympathies of the jury, and proof was given that, after the punishment was inflicted upon the boy, there were appearances upon his person which were the result of that punishment. Very eminent surgeons, however, were called, who proved that the marks upon the boy could not be ascribes to the punishment, and stated with regard to the nature of it that they should not object to its being inflicted on their own sons if they deserved it. When the jury retired to their room, the three special jurors were in favour of a verdict for the defendant, whilst the nine common jurymen were in favour of the plaintiff. His noble Friend informed him that he and the special jurymen reasoned calmly and patiently with the common jurymen, and at last brought them round to their opinion; and a verdict was therefore given for the defendant. Now, suppose that the measure of his noble and learned Friend had been the law at that time, what would have been the consequence? Did their Lordships suppose that the common jurymen would have listened to the reasonings of his noble Friend and his colleagues of the special jury. Not a bit of it. They would have felt that they were a majority. They would have refused to hear anything further; and the result would have been the ruin of the schoolmaster for the whole of his future existence. A Bill was now before the House of Commons to extend the operation of the Act of 1854 in Scotland, and to allow a majority of nine to three to decide after three hours' deliberation. His noble and learned Friend admired the Bill of 1854; but did he not mean also to reduce the time of deliberation from six hours to three? Their Lordships ought to understand how far they were to be asked to go, and how dangerous it was to take the first step in this direction. One thing had always struck him as an argument in favour of the unanimity of juries, and that was the confidence and security of the suitor. A person who lost a cause was never just, and always attributed his failure to some other reason than the badness of his cause. But if he had a unanimous verdict against him, of course he felt less ground for objection. Supposing, however, a losing suitor could say that three of the jury were in his favour, would he not have stronger grounds to question the propriety of an adverse decision? His noble and learned friend had referred to the subject of applications for new trials. He (the Lord Chancellor) had known many cases in which the Judges said—"Notwithstanding we feel that we should have been more satisfied if the verdict had been the other way; yet, inasmuch as it was a question of fact, and there was evidence on both sides, we cannot, and ought not, to disturb the verdict." But suppose a doubtful case of that kind, where the Court felt that the verdict ought to be different from that which had been pronounced by a majority of the jury, would any Judges feel that they ought not, under such circumstances, to grant the parties a new trial? and would not that produce quite as much litigation as those few cases —for they were only a few—in which the juries had been discharged for want of unanimity without returning a verdict? Was every case brought into a court of law to be so clear that juries were expected to be ready to decide one way or the other? This institution was rooted in the habits and affections of the English people, and it must not be disturbed, unless upon a very strong, he had almost said, an overruling necessity. He asked their Lordships, then, whether his noble and learned Friend had satisfied them by the few, and those recent, instances which he had brought before their notice, that there was any reason for trying this hazardous experiment—changing the whole system which had now endured for 500 years—and committing ourselves to an untried plan—untried so far as England was concerned—a plan which was foreign to our constitution, and foreign also to the feelings and opinions of the people. The present system had been so long established, and had worked so well and satisfactorily, and the grounds which had been laid by his noble and learned Friend, instigated by the feeling that juries had become too independent to enable Judges to direct their movements as they ought to do, were so utterly insufficient, that he hoped their Lordships would "stand upon the ancient ways," and not allow this noble institution to be tampered with in the manner now proposed.

Lord CRANWORTH, whilst supporting the Bill, admitted that the subject was one of the greatest importance and difficulty. It had been stated that his noble and learned Friend, the Lord Chief Justice, had introduced this measure in consequence of a certain trial. Whether that was the moving cause or not, he (Lord Cranworth) could not undertake to say. His noble and learned Friend said that he had given notice of the Bill last Session; but if he (Lord Cranworth) were not mistaken, his noble and learned Friend gave notice five years ago—as far back as the year 1854—that in consequence of what then took place, he should, in a future session, propose an alteration of the law. The first Royal Commission, appointed in 1831, came to the conclusion that unanimity ought not to be supported, and recommended a *quorum*. The next Commission, appointed in 1851, differed from their predecessors on that head, though they concurred with them that the present system could not be supported; and they, therefore, recommended that if at the end of twelve hours a jury did not agree on a verdict, or were not unanimous, they should be discharged, and there should be a new trial; and it was on the failure of the consequent attempt to legislate in 1854 that his noble and learned Friend gave notice that he should introduce a measure on the subject in a future Session of Parliament. With regard to the recommendations made by the Commissioners, it could not be urged that they came from men who were too prone to suggest changes in the law. The objection, indeed, to the recommendation of lawyers was, not that they were too ready to propose changes, but rather that they were too little ready, and more inclined to act upon the maxim *stare super vias antiquas*; and when he found two successive Commissions, numbering among them the greatest lawers of the day, at an interval of twenty-five years, concurring in this, that some change must be adopted, and that their Lordships had come to the conclusion that a change which put an end to compulsion, without exploding unanimity, was impossible; he thought that the time had arrived when some change or other was absolutely necessary; and, if a change was necessary, what other could be regarded as a final change if not that proposed by the Bill of his noble and learned Friend? It might be that the result of such a change as that proposed would be that ere long that change would be extended to criminal trials. It was a question with him whether that would be so great an evil as some seemed to anticipate. He believed it very often happened that on trials for capital offences one or two persons on the jury who were able to satisfy their consciences that they might do evil that good might come, frustrated the end of justice, by refusing to agree to a verdict of guilty, because they knew that such verdict would probably be followed by an execution, and they believed that executions were opposed to the law of God, and ought not to be sanctioned by man. Many acquittals were now the consequence of this feeling, and this evil might perhaps be remedied by legalizing the verdict of the majority. He did not, however, attempt to conceal from himself that an evil might arise in the opposite direction. In the case of a man being convicted of a capital offence, and there being one, two, or three jurymen opposed to the conviction, the pressure on the Home Secretary would probably be so great as to prevent the execution taking place. He was aware that the scheme of the Lord Chief Justice was open to objections; but every scheme was open to objections; and he did not think that the mere fact that under the Bill the jury would be released in six hours, would necessarily, or even probably, result in a determination that they would not discuss the question before them. Two successive Commissions had recommended the change proposed. This change seemed to be in harmony with the general feeling of the country; and he should therefore support the second reading. It had been said that jurors at the present day thought for themselves more than they used to do. No doubt of it; but this was not confined to jurors; it was the consequence of the general extension of education and consequent intelligence; and now that every man thought for himself, it was not possible that they should be directed by the Judges so much as once used to be the case, when, perhaps, there was only one or two of the jury with any pretension to education or general intelligence. Men were now more nearly on an equality than formerly, and it was not in human nature to yield so readily to the opinion of one or two men, as when society was more divided in point of education and intelligence into classes. The true way of preserving trial by jury was not to adhere rigidly to the letter of the law, but to adapt it to the greater intelligence and altered wants of the age. He did not yield to his noble and learned Friend the Lord Chancellor in his wish to retain the institution of trial by jury—not, however, because he thought it the best means in all cases of ascertaining the truth, but because he believed it to be one of the most essential pillars of the constitution; by means of the trial by jury every member of the community was, as it were, made to regard himself as forming part of the social edifice; he was led to feel that he had an interest in the administration of justice; he was conscious that he had high and important social duties to discharge, and he thus was likely to become a better citizen and subject. He went the Northern Circuit as Judge on nine several occasions while he was a common law Judge, and he was much struck by one circumstance. At York and Liverpool the assizes occupied about a fortnight, and two sets of jurors were summoned to give their services a week each. And the circumstance to which he alluded was this—when the jurors left the court at the end of the week they decidedly possessed an aspect of intelligence which was not seen when they entered the jury box. He would therefore never consent to any alteration that would tend to do away with trial by jury; but this proposal had no such tendency, and he would therefore support it.

Lord WENSLEYDALE was opposed to the Bill, for which there was no pressing necessity. The noble and learned Lord read several returns showing how seldom juries disagreed to a verdict, either in London or upon circuit. He thought that at common law the Judges had no authority to discharge juries without a verdict, and he would be glad to see the law amended in this respect. There was no want for the measure, and why should they alter the ancient law and practice of the realm?

Amendment *moved,* To leave out ("now,") and insert ("this day six months.")

Lord KINGSDOWN said, he entertained a strong feeling in favour of the proposition of the noble and learned Lord Chief Justice. The main, if not the sole, argument against it was that it would be tampering with an ancient institution of the country, which had existed for 500 years. The question was, however, whether the proposed measure was not calculated rather to improve than impair, and by removing the blemishes which disfigured it, to maintain the institution of trial by jury for a long period to come? There was at least this argument open to the supporters of the alteration, that it would indeed be singular, when every other institution required to be improved as time progressed, if one so peculiar in its nature as this required no amendment. To the authorities which had already been quoted in support of the Bill he would add that of Paley, who stated that there were a few peculiarities in the constitution of the country which did not carry with them that evidence of their propriety which recommended almost every other part of the system, and that the first of these was the rule which required juries to be unanimous in their verdicts, and which he described as rather the "conceit of a barbarous age," than an institution worthy of modern civilization. The only thing bearing the semblance of authority which had been cited against the Bill was the opinion of the Commissioners of 1851; but when the terms of that opinion were considered, he thought that it would be found to bear rather in favour of the measure than against it, for they stated that the very reasons which induced them to think that unanimity was desirable, led them also to think that that unanimity should be not merely apparent but real, and rendered them averse to any attempt at coercion. But when the Commissioners described unanimity as so desirable, he wished that they had shown how it was to be obtained. The Judges differed among themselves; their Lordships even, sitting in their judicial capacity, did not always agree, although they had to assist these men whose minds were trained by practice and experience to weigh evidence and to sift the truth. They had to decide upon matters of evidence—nice inferences and distinctions had to be drawn from facts of a conflicting character, and in practice they did not and could not find unanimity; and yet they expected to see it among twelve men taken at haphazard from the community who had never been accustomed to investigate evidence or to weigh it, and unable, very often, properly to comprehend the question submitted to them. In what way then was this unanimity to be obtained? He contended that there were in fact no means of obtaining anything but a false unanimity; and the evil of this was that one perverse, corrupt, or obstinate juryman, if he were stronger or more stubborn than the rest, might starve the whole eleven into a verdict. The Bill would not in the slightest degree affect the free discussion and consideration by juries of the matter in hand, which he admitted were essential to the delivery of a true verdict. There was no assurance that what now was called a unanimous verdict was in truth unanimous, for, under the present system, the weak in constitution must infallibly yield to the strong and obstinate. It should be remembered that there were many persons with very peculiar views. Some men, for instance, were of opinion that all atrocious criminals were lunatics; others could never bring their minds to the conclusion that offences could be committed under the game laws, and a strong stubborn minority might overbear the good sense of a weak majority. Upon the whole, the arguments and reasons in favour of the Bill were overpowering, and looking to the experience of the Colonies, and particularly of Scotland, he had no hesitation in giving his cordial support to the measure.

LORD CAMPBELL, in reply, defended himself against the imputation of having been induced to bring in this Bill by the case so frequently alluded to. Long before this case he had given notice of his intention to bring in a Bill of this description. Certainly, to reject a Bill which it was admitted contained much that was good, and which might be well amended in Committee, was utterly at variance with the principle for which the friends of noble Lords opposite had contended so vigorously during the week in "another place." He contended that notwithstanding the able speeches that had been made against the Bill no answer had been given to the arguments in favour of the measure. Whatever the result of the division might be he considered it his duty to take the sense of their Lordships on the second reading.

On Question that ("now,") stand part of the Motion, their Lordships *divided*—Contents 7; Not-Contents 23: Majority 16.

CONTENTS.

Amherst, E.
Ellenborough, E.
Granville, E. [*Teller.*]
Grey, E.
Campbell, L. [*Teller.*]
Cranworth, L.
Kingsdown, L.

NOT-CONTENTS.

Chelmsford, L. (*L. Chancellor.*)

Bath, M. [*Teller.*]
Exeter, M.
Salisbury, M.

Carnarvon, E.
Derby, E.
Hardwicke, E.
Malmesbury, E.
Romney, E.
Rosslyn, E.
Verulam, E.
Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)
Strathallan, V.

Boston, L.
Churston, L.
Colville of Culross, L. [*Teller.*]
Congleton, L.
Denman, L.
Dinevor, L.
Northwick, L.
Skelmemersdale, L.
Wynford, L.

Resolved in the *negative.*

Bill to be read 2^{a} on *this day Six months.*

House adjourned at half-past Nine o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 29, 1859.

MINUTES.] PUBLIC BILLS.—1° Aggravated Assaults Act Amendment; Cruelty to Animals Act Amendment.

3° Patents for Inventions (Munitions of War); Common Rights, &c., (War Department).

IMPORTATION OF OPIUM INTO JAPAN.

QUESTION.

MR. GILPIN said, he wished to inquire of the Under Secretary of State for Foreign Affairs, if there is a provision in the Treaty with Japan to prohibit the importation of Opium into that country, and if any steps have been taken to prevent it?

MR. SEYMOUR FITZGERALD replied that one of the stipulations of the Treaty said—

> "The importation of Opium being prohibited, any British vessel coming to Japan for the purpose of trade, having more than three catties' weight on board, the surplus may be seized and destroyed by the Japanese authorities; and any person smuggling, or attempting to smuggle opium, shall be liable to a fine of 15 dollars a catty for each catty smuggled, or attempted to be smuggled."

A Proclamation dated the 4th of February had been issued, in which the Crown had signified that there would be no interference with the Japanese Government to prevent this stipulation being fully enforced.

THE LAND TRANSPORT CORPS.

QUESTION.

GENERAL CODRINGTON said, he wished to ask the Secretary of State for War whether, in the offer of additional rank lately acknowledged as due to certain officers of the Land Transport Corps, it is made a condition that they should repay to the Treasury part of their full pay, issued to them in the years 1857 and 1858, for duty actually done with their Regiments in their present rank?

GENERAL PEEL replied, that several officers of the late Land Transport Corps, who were promoted by General Orders in the Crimea, pending the confirmation of Her Majesty, had, since the reduction of the corps on the 1st of April, 1857, been serving on full pay in a junior rank, and had now been offered the unattached rank to which they were promoted, from the date of the reduction of the corps, or should they prefer it, the option of remaining in their present position on full pay. It was quite impossible for these officers to draw both full and half pay, and, according to the strict rule of the service, those who accepted the superior unattached rank would have to pay back the difference between the full pay they had been receiving and the half pay of the superior rank they accepted, in all cases where the full pay had been greater than the half pay; when less they would receive the difference. As, however, this might press hardly upon some persons, and materially influence their acceptance of the boon now offered, he would consent to these officers retaining the full pay they had enjoyed, and direct the issue of the unattached pay from the date of their accepting the offer, the unattached rank bearing date from the reduction of the corps. The officers to whom the option was given would be required to make their selection at once, otherwise they would only be allowed half pay, under the conditions of the Royal Warrant now in force.

POSTAGE ENVELOPES.—QUESTION.

MR. COWAN said, he rose to ask the Secretary to the Treasury if the Government has given its deliberate sanction to the proceedings of the Board of Inland Revenue, in having recently issued advertisements inviting Tenders for the supply of 1250 reams of writing paper, of an unusually large size, namely, about 67 inches long by 18 inches wide to be manufactured by the said Board into Postage Envelopes, such Tenders to be lodged not later than the 31st current, and the said Board not being bound to accept the lowest Tender; if there is any reason why any Paper that may be required for the public service should not be procured in the usual manner, through the Stationary Office, at the lowest price tendered, with adequate security for the due fulfilment of the contract, and, after minute examination, accepted or rejected, as the case may be; and whether any communication has been held with the Comptroller of the Stationary Office upon the subject, before or after the insertion of the advertisements above referred to.

SIR STAFFORD NORTHCOTE said, that, in consequence of communications which he had had with the hon. Gentleman, and in consequence of some representations which had been made by some of the largest manufacturers, this matter had been referred to the Comptroller of the Stationary Office, and the Treasury were now communicating with the Board of Inland Revenue upon the subject. In the meantime they had directed that Board to suspend the acceptance of Tenders until it was decided what course should be adopted.

THE CHURCH RATE BILL.

QUESTION.

MR. NEWDEGATE said, he wished to ask the hon. Baronet the Member for Tavistock on what day he intends to move that the House shall go into Committee on the Bill for the Abolition of Church Rates?

Sir JOHN TRELAWNY said, that, although the Bill was on the Orders for the next day, he apprehended that there was not much chance of its coming on then. If he were to put it off for four or five weeks, that would be practically to delay legislation on the subject for another year. If the right hon. Gentleman the Chancellor of the Exchequer would give him an early day in the following week he had no objection to postpone his Bill till such a day.

Mr. NEWDEGATE said, he would appeal to the right hon. Gentleman to give the hon. Baronet a day, in order that the House might be relieved from suspense as to the further progress of the measure.

The CHANCELLOR of the EXCHEQUER:—Sir, I do not at this moment see what arrangement I can make for the hon. Baronet. I will take the matter into consideration, and will communicate with him when I have ascertained what opportunity I can offer him.

Sir JOHN TRELAWNY said, he would be ready to communicate with the Chancellor of the Exchequer on the subject of the day when the Church Rate Bill was to be proceeded with.

DEBATE ON THE REFORM BILL.

OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER :—Perhaps the House will permit me to refer to the subject of the debate, which was adjourned last night. I think it is very desirable that we should, if possible, come to a determination as to the closing of that discussion. I have never any desire on these occasions to suggest any course but that which I really believe will meet the general wish. Hon. Gentlemen on both sides of the House must feel that my position under these circumstances is always a painful one; and that when a subject of this great importance is brought forward, and a prolonged discussion takes place, a great responsibility attaches to the refusing to those who have a legitimate claim to address the House an opportunity of making their observations. I have received a great many communications, not by any means all from Gentlemen who sit on my own side of the House. I have considered all the circumstances, and I really think that the fairest course to adopt, if it meet with the general approbation of the House, will be to adjourn the debate to-night with the general understanding that we shall come to a close on Thursday next. For myself, I will do all that I can to promote that result.

EAST INDIA—(FINANCIAL DESPATCHES).

ADDRESS MOVED.

Sir ERSKINE PERRY in moving an Address for Copy of Financial Despatches between the Government of India and the Secretary of State for India, respecting new loans required for India said, he would take that opportunity of asking a question in reference to the Indian Loan Bill, and to the course which the noble Lord the Secretary for India proposed to take now that a new loan had been announced. Would a new Bill be introduced, or would the loan be obtained under the Bill now before the House?

Lord STANLEY said, he took it for granted that the House would not wish that the Debate which was then pending should be interrupted by any other business. But after it should have been brought to a conclusion he would take the earliest opportunity of stating the course which the Government would be prepared to take with regard to the new East India Loan.

Motion *agreed to.*

Address for

"Copy of Financial Despatches between the Government of India and the Secretary of State for India, respecting new loans required for India (in continuation of Parliamentary Papers, Nos. 55 and 69, of the present Session):"

"And, of all Notifications of the Government of India concerning the Public Debt (in continuation of Parliamentary Paper, No. 179, of Session 1858)."

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

ADJOURNED DEBATE. SIXTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words—

"This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. GLADSTONE : It appears to me, Sir, that there are other remarkable features in this debate besides the great ability with which it has been conducted, and among them all I know none so remarkable as the singular accordance of opinion on both sides of the House—I may say, with the exception of official speakers, among all those who have spoken—with respect to the great question of Parliamentary Reform. I do not say that there are no shades of difference upon it, but when we compare the opinions of those who are disposed to give the least with the opinions—at any rate, so far as they have been avowed—of those who are disposed to give the most, we find they lie within such moderate and reasonable limits as to afford, one would hope, the very best prospects for an early and satisfactory settlement of the question. In point of fact, Sir, I may venture to say that there is no difference perceptible—I do not refer now to the particular features of the present Bill, but to the general question of Reform—between the speakers on the two sides of the House; and were an hon. Member of this House blindfolded during the debate, I would almost defy him to say from what quarter their addresses respectively had come. It is recorded of the oldest traveller whose voyages have come down to us that he arrived at a place so remote, that he lost all power of judging of the points of the compass, and the same observation is applicable to the present debate on the subject of Reform, with the single difference that, instead of its being at a place immeasurably remote, the point where our differences are lost sight of is in the centre of the British House of Commons. Again, I could not help being struck with what fell from my hon. Friend the Member for Birmingham (Mr. Bright) upon this subject. He selected in the course of his speech, one address from those which had preceded his own for commendation, and three—shall I say for anathema or for censure ? The speech which he commended was the speech of a county Member on this side of the House—I mean the hon. Member for Dorset (Mr. Sturt)—a gentleman, I believe, of unsuspected orthodoxy in his political creed. The speeches which were censured by my hon. Friend—the speeches which he said filled him with alarm—were the declarations of three right hon. Friends sitting on the other side of the House. He was alarmed at the speech of the right hon. Gentleman the Member for Stroud (Mr. Horsman); he did not say for what particular reason, but I concluded because he regarded my right hon. Friend as a disorderly person upon the present occasion. He was alarmed with the speech of my right hon. Friend the Member for South Wilts (Mr. S. Herbert), because, I suppose, my right hon. Friend gently suggested in one portion of his excellent address that that chamber in the mind of my hon. Friend the Member for Birmingham, which ought to be supplied with a certain reverence for ancient traditions, is less well furnished than all the rest of that remarkable structure. Then, Sir, the hon. Member, still adhering to his own side of the House censured likewise the sagacious letter of my right hon. Friend the Member for Coventry (Mr. Ellice). There the reason, I think, was plain enough—because, my right hon. Friend, whose hospitalities are proverbial, in that letter promised to his constituents a magnificent banquet of Reform, where the viand was dressed in every possible shape, but concluded by expressing his regret that on account of the state of public opinion they could not just yet sit down. The truth is, Sir, there is no substantial difference of opinion traceable to differences in this House between political parties upon this great and transcendant subject ; and therefore it is to me a matter of deep regret that, when there is such union of sentiment upon the substance of the question at issue, we should be ranged in hostile debate, with a division before us which must tend to estrange from one another those who are not separated by clear, broad, conscientious differences of opinion, and by whose united efforts alone this great subject can be brought to a satisfactory settlement. I cannot help also venturing a remark upon the form of the Resolution proposed by my noble Friend the Member for the city. It is a remark, Sir, which will be, I trust, in entire harmony both with the letter and with the spirit of your own decision of yesterday, because I am certain that my noble Friend would have been the last man to propose an irregular Resolution. But if the Resolution is regular and Parliamentary, I venture to suggest that it is one to which exception may be taken on the grounds of general prudence and convenience. The rules of this House, it is true, do much towards keeping the course of public business within its legitimate bounds, but also much, of necessity, must depend on the judgment of the Members of the House. I take it that there is a meaning in the rules of the House when they provide that on the presentation of any scheme of legislation in the form of a Bill the first duty of the House should be to address itself to the scheme as a whole, and, after giving an opinion on it as a whole, that the House should then, and then only, proceed to deal with the details. I do not enter into the question whether Resolutions ought ever to be made on the second reading of Bills. I confess it appears to me utterly impossible to exclude them, because if they were altogether excluded this House would be shorn of much of its legislative power, and be reduced to the necessity of saying nothing but simply "aye" or "no" on a Motion. Nor do I deny that there are precedents of some kind which, to a certain extent, may be pleaded in support of the present Resolution; but I express my own opinion, as far as my own opportunities of knowledge go, that this is the first occasion on which a Resolution has been moved on the second reading of a Bill, the purport and matter of which Resolution consist simply in dealing with certain portions of the Bill, which portions might be dealt with in Committee. To that extent it appears to me that this Resolution may be termed a novelty, and I must add that it is an inconvenient novelty. How are measures, of necessity, very frequently framed? It is often the duty of the Government to combine in one and the same measure a great variety of propositions, the whole of which—I am not now speaking of the present Bill, but of what is the general duty of the Government—the whole of which, I repeat, may be necessary to the complete attainment of the public ends in view. Yet one portion of these propositions may be highly popular, and the other portion may be the subject of great popular prejudice. There may be a great temptation from time to time, particularly in a disorganized state of political parties, to select out of the measure so presented by the Government those portions which are unpopular, and to insist on procuring the judgment of the House on those unpopular parts of the Bill antecedently to the second reading. I frankly own, however, that I cannot conceive any practice which, if it grew up, would be more inconvenient or dangerous. I confess that these are reasons which weigh with me to no inconsiderable extent in bringing me to the conclusion that I cannot support the Bill —I mean the Resolution, but I might say the Bill likewise. The course taken by my noble Friend the Member for London has been subjected to great severity of criticism and imputation, which I frankly own it does not appear to me that he deserves. It is said that my noble Friend has made a factious Motion. If it be a factious Motion, it is certainly a very ill-chosen one, because, taking the two great exponents of the Resolution who bring the greatest power to its support—the two distinguished statesmen who sit opposite—they have fairly avowed that, while they concur in the Resolution, they differ as to the course it may immediately involve. I do not refer to others, because of those who supported the Resolution, some have ranked themselves with one of those noble Lords and some with the other. The noble Lord the Member for Tiverton (Viscount Palmerston) has explicitly stated to the House that he supports the Resolution, not for the sake of getting rid of the Bill, but as a foundation on which alone he can conscientiously consent to support the second reading; while the noble Lord the Member for London, so far from interposing this Resolution as a condition which once being laid down may enable him to accept the second reading of the Bill, has, in language very distinct, stated that he trusted that not only will this Resolution be carried—as appears likely to be the case—but that there will be successive attacks on the Bill until—I think these were his words—it should be, if not immediately, at last totally rejected. These different declarations proceeding from the two noble Lords do not certainly imply any deeply-laid plot for a joint attack on the present occupants of office with a view to a joint occupation of place afterwards. I cannot part from this part of the subject without expressing, particularly after what has fallen from the First Lord of the Admiralty, the deep regret with which I heard an hon. Gentleman—and a gentleman of the distinguished character, eminence, and abilities of Her Majesty's Solicitor General—spoil an effective speech by dropping, at the close of it, words which were not worthy of this House or of his position. I am convinced that those words must have proceeded from a rhetorical inadvertence—from the necessity, if I may presume to say so, of always finishing a sentence, which occasionally presses in an inconvenient manner even on the most experienced and practised speakers. I cannot believe that those words were intended to be used, and I am confident that before the debate is over the hon. and learned Gentleman will, in a manner worthy of himself and in a way due to the character of the noble Lord the Member for London, express his regret for the observations to which I now allude. What I now wish to say to the House is that the paramount and overbearing motive in my mind which governs my vote, and I hope every word that I speak, is that it becomes our duty to take that course which will most contribute to the early and satisfactory settlement of this question, and if I had seen through the Resolution of my noble Friend, the prospect of a powerful Government, and a combination of men ready to carry through a measure of reform not immoderate in its form—and no immoderate measure should I expect from my noble Friend—that would have been a reason with me for supporting the Resolution. If we could have had a strong Government for the purpose of working this question, by all means let us have that Government. But, far from feeling an inducement to vote for the Resolution, a circumstance that operates in a contrary direction is that I find the leading men prominent in the proposition and support of the Resolution have an agreement of opinion limited to the terms of the Motion itself, and that the day subsequent to the success of the Resolution would see them pursuing their distinct and opposite courses. I have ventured to state to the House the motive on which I think our conclusion on this subject should be grounded, and I now ask what is the position of the Government with respect to the Bill and with respect to the House. I cannot deny that the first cause of these embarrassments, so far as I am able to perceive, is the most unfortunate error committed by the Government in the construction of their Bill in opposition to the wise advice of two most distinguished Members of the Cabinet. I believe that the Government are now as well aware as any hon. Gentleman who sits on either side of the House that in all probability, if they had taken the wise advice of their two late colleagues, while their counsels were still unknown to the public, and had presented a plan framed on the basis of the suggestions of those right hon. Gentlemen, the Bill would then have met with very general acceptance. This is, however, referring to the past, and the Government now are responsible for the Bill as it stands before us. We also are responsible for what we do with respect to the Bill; and therefore the question I have to ask myself is, not whether the Government have presented a plan in every point such as I, for one, could have desired; but in what manner I can meet the embarrassments created, and find, if possible, an escape from them. As was frankly admitted by the noble Viscount (Viscount Palmerston) the Government, in the first place, are the existing Government, and, as such, have a claim on the House of Commons in a state of things wherein it is not very clear, if the Ministers are removed from office, who are to succeed them. It is further quite evident that the Government have some facilities for the settlement of this question which no other Government could possess, in the fact that probably unless the present Government had been in office we should not have had that remarkable accordance of opinion on the subject of reform. I do not mean, of course, to say that hon. Gentlemen have spoken otherwise than according to their conscientious opinions; but the fact of the Conservative party having their political friends in office tended undoubtedly to induce a conciliatory disposition. But I must also freely own that I think the claim of the Government may be carried a point further. I think that, a Reform Bill having been submitted to the House, and the second reading of that Bill having been proposed, they have a claim upon those Members of the House—and I am one of them—who have been parties to former miscarriages and disappointments, that they shall do nothing to intercept the progress of this Bill beyond what they consider absolutely necessary. I confess it appears to me that, although the feeling of the people of this country with respect to the proceedings of the House of Commons is eminently satisfactory, although, as the hon. Member for Birmingham has so well said, they have begun, especially of late years, to entertain a warm sentiment both of gratitude and confidence in the authority and institutions of the country, and particularly in their representative assembly—yet I doubt whether any part of that gratitude or confidence is due to the manner in which we have recently treated the subject of Parliamentary Reform. There is not, so far as I know, a word of blame to be said of any; and certainly if there is blame to any one, I myself, as the colleague of my noble Friend during a portion of these transactions, must come in for my share. But let us look at what has passed, and the aspect which it must necessarily present to a criticizing public. In 1851 my noble Friend (Lord J. Russell) then the first Minister of the Crown approached the question of reform, and commenced with a promise of what was to be done twelve months afterwards. In 1852 he brought in a Bill, and it disappeared, together with the Ministry. In 1853 we had the Ministry of the Earl of Aberdeen, and the Ministry of the Earl of Aberdeen also commenced with a promise of reform in twelve months' time. Well, 1854 arrived; with it arrived the Bill, but with it also arrived the war, and in the war was a reason, and I believe a good reason, for abandoning the Bill. Then came the Government of my noble Friend the Member for Tiverton (Viscount Palmerston) which was not less unfortunate in the circumstances which prevented the redemption of those pledges that had been given to the people from the mouth of the Sovereign on the Throne. In 1855 my noble Friend escaped all responsibility for a Reform Bill on account of the war; in 1856 he escaped all responsibility for Reform on account of the peace; in 1857 he escaped that inconvenient responsibility by the dissolution of Parliament; and in 1858 he escaped again by the dissolution of his Government. Well, each of these may be good reasons why Parliament has not dealt with the question of reform; but I put it to the impartial consideration of hon. Gentlemen whether upon the whole, if there be a portion of the people out of doors who think the House is reluctant or insincere with respect to reform, a series of events like these do not strengthen such misgivings, and do not render it additionally hazardous on our part to interpose any obstacles except those which necessity imperatively requires to the progress of a Bill which, at all events, corresponds with the promise of the Sovereign on the Throne in the general terms in which it was conveyed, and which is now presented to us in such a form as to afford us, I think, great hope of carrying to completion a measure which may take its place in our Statute-book. I confess I think that the appeal to Members of former Governments, as men and as statesmen, to assist in so far as it is in their power the progress of the Reform Bill introduced by the present Ministry is a topic and a plea which ought to have some considerable weight. It must be remembered, however, that the Resolution of the noble Member for the City has been supported by many hon. Gentlemen, including my right hon. Friend the Member for Wiltshire (Mr. Sidney Herbert), as being not an unusually severe and stringent method of interference with the course of the Bill; but, on the contrary, a singularly mild one, and as a milder measure than a negative upon the second reading. But when we are administering our measures of mildness, and especially when they are almost entirely novel in their form, it is of some importance to consider in what manner they will be received by the patient; and on this occasion the patient is so reluctant and refractory that, instead of accepting the recommendations of the noble Viscount the Member for Tiverton—instead of acquiescing in the view that this is merely a gentle caveat put in on the part of the House lest it should be overborne and suppressed by the strength of the Government in Committee—the Government who are to receive and acquiesce in this Resolution have treated it as a Resolution which not only is not milder than a negative upon the second reading, but which stigmatizes both their Bill and themselves in such a manner as to make it impossible for them to accept it. It is utterly useless to inquire whether the Government are right or wrong in that view of the matter, but the important fact for us to consider is that they have announced that if the Resolution be passed their Bill cannot proceed. The question, therefore, comes to be whether, upon the whole, we think it is for the interest of the country in connection with the great subject of Reform that the Bill should go into Committee, or that it should not go into Committee. If the Resolution passes, the second reading of the Bill cannot be proposed by the Government. If the Resolution fails, the second reading will be proposed, and, while I anticipate that the Resolution of my noble Friend will be carried, it appears equally clear from what has occurred, and from what has been said by my noble Friend the Member for Tiverton, that if we proceed to the question of the second reading that proposition will be carried, and that there will be an opportunity of dealing with the Bill in Committee. I want to know, therefore, what are the clauses of the Bill itself; and I begin by frankly admitting that I concur, I am sorry to say, in very nearly everything that has been said against the Bill. I have something to say presently upon a point which has been very little touched upon, but I must admit that I concur in the objections to the Bill which have been raised as prominently on this (the Ministerial) as on the other side of the House. I concur in the objections which have been taken by the noble Member for Tiverton and by the noble Member for the City. I cannot be a party to the disfranchisement of the county freeholders residing in boroughs. I cannot be a party to the uniformity of the franchise. I cannot be a party to a Reform Bill which does not lower the suffrage in boroughs. I may go a step further, and say it appears to me that the lowering of the suffrage in boroughs is the main purpose of having a Reform Bill, and that unless we are to have that lowering of the suffrage, it would be better that we should not waste our time on this subject. But, while I concur entirely in these objections, I must make a concession on the part of the Bill, in which I shall follow, though rather more fully, what was stated by my noble Friend the Member for Tiverton. I think I understood him correctly to say in his able speech that he approved generally of that portion of the Bill relating to the redistribution of seats. I think I did not misunderstand him, but that he approved generally of that portion of the plan. [Viscount PALMERSTON intimated his assent.] I did not understand the noble Member for the City of London to object to that portion of the Bill, nor did I understand that my right hon. Friend near me (Sir James Graham) objected to it, but that feature of the measure has been very generally passed over in silence, and I own that I think less than justice has been done to the Bill in that respect. I feel bound in honour to say that, upon the whole, I cannot help approving that portion of the Bill. I think that it is an improvement upon the measure to which I was myself a party in 1854. This is no small or trifling matter. In point of fact, the question of the redistribution of seats is a full half of your whole Reform Bill. The redistribution of seats and the arrangement of the franchise make up the measure. I will endeavour to explain frankly and fearlessly the reasons why I think that, upon the whole, this Bill has been framed wisely with respect to the redistribution of seats. I believe the Bill we introduced in 1854 would infallibly—to use a homely phrase—have "gone to the dogs," on account of the extent of disfranchisement it proposed. We may throw out this Bill, and we may have another Bill brought in which proposes to disfranchise sixty, seventy, or eighty boroughs, but won't such a proposal be strongly opposed by the sixty, seventy, or eighty hon. Members who hold seats for those boroughs? I listened with great attention the other night to the speech of the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) who represents one of the class of small boroughs, and I think in that speech he has given us fair notice what course he intends to pursue. He has told the noble Lord below him that he is perfectly willing to join with him for the purpose of destroying the Bill of the Government, but when his noble Friend has succeeded to power and introduces his Bill, the hon. Member for Sandwich anticipates that his noble Friend will again bind him and lay him on the altar.

MR. KNATCHBULL-HUGESSEN said, the disfranchisement of Sandwich had never been proposed, except by the hon. Member for Birmingham.

MR. GLADSTONE: The hon. Gentleman would, no doubt, be prepared to show strong reasons, not why other boroughs should not be disfranchised, but why Sandwich should be retained. If an extensive measure of disfranchisement was introduced, we should have sixty, or seventy, or eighty speeches from hon. Members, showing why his own borough should not be disfranchised; but though the speeches would be single, the votes of the representatives of the boroughs proposed to be disfranchised would be combined in the division; and what would become of the Reform Bill introduced with a magnificent scheme for the redistribution of seats? But there is more in the matter than this. I must frankly own it appears to me that to proceed far in the disfranchisement of small boroughs is a course injurious to the efficiency of the House of Commons. You must not consider in this matter the question only of the electors. You must consider quite as much who are likely to be the elected. And permit me to say that the time has come when, in the examination of any scheme of Reform, it is of vital and capital importance that this matter should be brought fully under the view of the House. Let me point out that the Reform Bill of 1832 has not, in this respect, been fairly and fully tried. For twenty-seven years, it is true, it has been in operation, and it has communicated great vigour to the working of the legislative machine. For the first ten or fifteen years of that period the working of the Reformed Parliament has exhibited a union of power, circumspection, and sagacity such as it would be difficult to find an equal to in the history of legislative assemblies. But look at the advantages which attended the first working of this change in our representation. It is true we had a new electoral system, but we had the old statesmen to work it. Read the admirable argument of Lord Macaulay in his *History of William III.* upon the state of the House of Commons at that time, before you had organized the system under which Ministries are constituted and maintained in this country. The House of Commons was then an assembiy of units incapable of forming into one body and of working together. Why is it that, from that time to the present, they have become, instead of a mere aggregate of units, an organized whole, capable of conducting the affairs of this great empire? It has been because of the race of statesmen who have adorned this House, who have been reared from generation to generation under the operation of your improved Parliamentary system, and of that race I rejoice to say, notwithstanding the twenty-seven years that have elapsed since the Reform Bill, a very considerable number still remain to us. Now, how were these men introduced into the House of Commons? I am sure I may entreat the patience of the House. I need not trouble them with wearisome citations; but it is really worth our while to consider how this great provision for the exigencies of the country has been made. We have heard in the course of this debate some apology for small constituencies. Well, I am no great lover of small constituencies, and it never was my lot to sit for one. At the same time small constituencies undoubtedly tend to answer the great purpose of a representative system in securing its diversity and completeness. If you have nothing but large and populous bodies to return your Members of Parliament, there, as recent experience seems, I am sorry to say, in a great degree to prove, local interests and local influences will upon the whole prevail, and you will not find it possible to introduce adequately into this House the race of men by whom the Government of the country is to be carried on. By means of small boroughs, generally considered—I have no doubt there are objections to them, but I believe those objections are gradually disappearing under the action of improved laws and an improved state of public feeling—by means of small boroughs you introduce into this House the representatives of separate interests, who stand apart from the great and the paramount interests of the country. You introduce here the masters of civil wisdom, such as Mr. Burke above all, Sir James Mackintosh, and many others who might be named—a class of men with respect to whom nothing is less probable than that they should command to any great extent the suffrages of large and populous constituencies. You introduce those calm, sagacious, retired observers who are averse from the rough contact necessary in canvassing large bodies of electors, but who form no small part of the best *substrata* of this House, and contribute greatly to the efficiency of your representative system. Many, however, have spoken on behalf of small boroughs. I want to speak on behalf of a certain description of small boroughs—of those where, from kindly interest, from ancient and affectionate recollections, from local and traditional respect, from the memory of services received, from the admiration of great men and great qualities, the constituencies are willing to take upon trust the recommendation of candidates for Parliament from noblemen or gentlemen who may stand in immediate connection with them. [*Some cries of* "Oh!"] I do not complain at all of that interruption. I admit that there is something of paradox in such an argument upon such a question, if it is to be considered as an argument upon paper only; but practice has proved that the real paradox lies with those who will allow of no ingress into this House but one. If that one ingress is to be the suffrages of a large mass of voters, the consequence is a dead level of mediocrity which destroys not only the ornament but the force of this House, and which, as I think the history of other countries will show, is ultimately fatal to the liberties of the people. Allow me in explanation of my meaning to state the case of six men in one line each,—Mr. Pelham, Lord Chatham, Mr. Fox, Mr. Pitt, Mr. Canning, and Sir Robert Peel. Mr. Pelham entered this House for the borough of Seaford in 1719, at the age of twenty-two; Lord Chatham entered it in 1735, for Old Sarum, at the age of twenty-six; Mr. Fox in 1764, for Midhurst, at the age, I think, of twenty; Mr. Pitt in 1781, for Appleby, at the age of twenty-one; Mr. Canning in 1793, for Newport, at the age of twenty-two; and Sir Robert Peel in 1809, for the city of Cashel, at the age of twenty-one. Now, here are six men, every one of whom was a leader in this House. I take them because the youngest is older than the eldest of those Statesmen who now sit here, and because the mention of their names can give rise to no personal feeling. Here are six men whom I do not hesitate to say you cannot match out of the history of the British House of Commons for the hundred years which precede our own day. Every one of them was a leader in this House, almost every one was a Prime Minister, all of them entered Parliament for one of those boroughs where influence of different kinds prevailed. Every one of them might, if he had chosen, after giving proof of his powers in this House, have sat for any of the open constituencies of the country, and many of them did so. Mr. Pelham, after sitting for Seaford in one Parliament, represented Sussex for all the rest of his life. Lord Chatham never, I think, represented an open constituency. Mr. Fox, after sitting for Midhurst, became the chosen of Westminster. Mr. Pitt went from Appleby at a very early age to the University of Cambridge. Mr. Canning, after representing Newport, was returned by Liverpool, and Sir Robert Peel from Cashel became the Member for the University of Oxford. Now, what was the case of Sir Robert Peel? The University, on account of a conscientious difference of opinion, refused the continuance of his services. Were it not for a small borough those services would have been lost to the British Parliament. ["Oh!"] The hon. Member is right; it was an over statement. I should have said they would have been lost to the British Parliament at that moment. But in Westbury he found an immediate refuge—for so it must be called—and he continued to sit for a small borough for the remainder of his life. Mr. Canning, in the same way, not losing but resigning the representation of Liverpool, found it more conducive to the public business that he should become the representative of a small borough for the rest of his days. What does this show? It shows that small boroughs were the nursery-ground in which these men were educated—men who not only were destined to lead this House, to govern the country, to be the strength of England at home and its ornament abroad, but who likewise, when once they had an opportunity of proving their powers in this House, became the chosen of large constituencies and the favourites of the nation. It cannot be denied that, whatever advantages have attended our Parliamentary Reforms we have latterly, by what we have done, narrowed the means of ingress to the House of Commons. What chance would there be for any of the six men I have mentioned, at the age of twenty-one or twenty-two, under the present system? It is not too much to say that no one of these mere boys could have become a Member of Parliament if it had not been for the means of access to the House of Commons which then existed. You must recollect that they were nearly all chosen when they were about twenty-one or twenty-two. What is the case now? I fully grant that you have an answer as far as regards a very limited class of persons indeed. Take the heir to a dukedom or an earldom, or the son of a great territorial potentate, and there will be ready access to Parliament for such men; nor, I trust, shall we ever see any measures adopted which will exclude them. I rejoice to see that by so limited a class so much ability and so much promise is shown. If you look to the young men of this day—and, after all, it is to them we must look to carry on the business of the country in future years—the most distinguished persons in this House are the men who owe their seats here to territorial influence. The cases of Canning, Fox, Pitt and Peel carry a moral with them. What would have been Mr. Canning's chance had he been dependent on that influence. I do not know what would have been the chances of Mr. Fox or Mr. Pitt, or Sir Robert Peel at twenty-one or twenty-two if they had been dependent on territorial influence. You cannot expect of large and populous constituencies that they should return boys to Parliament; and yet if you want a succession of men trained to take part in the government of the country, you must have a great proportion of them returned to this House while they are boys. The conclusion to which this brings me is that the matter will be a more serious one if you are prepared to part with your whole system of small boroughs. I am not arguing this in the sense of one party or another; far less am I arguing it in a sense adverse to popular rights. For what, let me ask, have these men whose names I have just mentioned been? Have they been the enemies of popular rights? Is it not, upon the contrary, under Providence, in a great degree to be attributed to a succession of those distinguished statesmen, introduced at an early age into this House, and once made known in this House securing to themselves the general favour of their countrymen, that we enjoy our present extension of popular liberty, and, above all, the durable form which that liberty has assumed? I am aware that this has now become a rather antiquated subject. ["Hear, hear!" *from the Opposition side of the House.*] I thank the hon. Gentleman for his concurrence in the sentiment to which I have given expression, and let me remind him that there are many things which are old which are nevertheless good. But, Sir, we are called upon in this discussion to consider a subject which, as my noble Friend the Member for London has so well stated, involves, not only our own condition, but the condition of our children and of the latest posterity. In dealing with it I wish to ask myself the question how the benches of this House are to be filled; how all the diversities of powers and aptitudes which have formed this great nation are to find their way within those sacred precincts of the constitution after we shall have lost the guiding influence and authority of that race of statesmen who were reared under our ancient system, particularly if we should proceed by rash and unwise legislation to cut off from our representative system that class of constituencies through the medium of which alone, with the exception of the case of the eldest sons and heirs of great families, the energy and vigour of the nation can easily be introduced into the House of Commons at an age at which they may become available for the public service. This question, in my opinion, involves a reason, and no inconsiderable reason, for our proceeding in Committee, if possible, with the Bill under our notice. It seems to me that there is really very little to be said against the adoption of that conrse when we come to the consideration of what the practical advantage is which my noble Friend the Member for London promises to himself from the success of his Resolution. I for one confess I am entirely at a loss—and I shall not dwell upon this part of the subject because of my total ignorance with respect to it—to understand how the position of my noble Friend will be in any way improved, or how his views will be nearer accomplishment, if on the morning on which the division takes place he should learn from the triumphant cheers of his supporters the announcement that his Motion has been successful. My noble Friend holds certain opinions. He thinks the county freeholders in boroughs ought not to be disfranchised; that the suffrage in boroughs ought to be lowered, and that the Bill ought not to be based upon the principle of uniformity. Well, that being so, has he not, let me ask, ascertained from what has occurred in the course of this debate that he is perfectly certain to carry into effect, if he pleases, his views upon every one of those points in Committee? The opinions of my noble Friend are embodied in his Resolution, which, if carried at all—and carried I presume it will be—will only be carried by some small majority. But if we go into Committee on the Bill, his proposition with respect to the disfranchisement of the county freeholders in boroughs will be supported by every hon. Member on that, and by a large proportion of those who sit upon this (the Ministerial) side of the House. In like manner, his proposal for lowering the suffrage in boroughs will, I imagine, receive almost unanimous support from those hon. Members who sit upon the benches behind him, while no inconsiderable support will be extended to it by those hon. Gentlemen who sit here; so that, in point of fact, the success of the Resolution, instead of exhibiting truly and fully the views of the House of Commons in favour of the opinions put forward by my noble Friend, will exhibit the degree of favour in which those opinions are entertained to great disadvantage. There are the very men (pointing to Mr. Walpole and Mr. Henley) who have been the first champions—I may say the martyrs—of those opinions; and if I have rightly interpreted the speech of my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), who holds these sentiments in conjunction with my noble Friend opposite, he will feel obliged to go into a different lobby from the noble Lord, should this Resolution be pressed to a division, and thus appear to oppose him while in reality he approves the main propositions which he has laid down. But what is the reason assigned by my noble Friend for adopting the course which he has pursued? He says:—

> "I am asked why I do not, instead of proposing this Resolution, vote against the second reading of the Bill? My answer is, that if I were to do so, my conduct would be liable to misinterpretation. It would be supposed, if I voted against the Bill, that I was opposed to the £10 occupation franchise in counties."

Well, but if the wish of my noble Friend was to escape unjust criticism and cavil, he has surely not succeeded in the attainment of his object. On the contrary, he has failed; while I may be permitted to observe that the excuse which he has offered, with, I have no doubt, perfect *bonâ fides*, for not voting against the second reading of the Bill, instead of moving his Amendment, is, I fear, exactly the description of reason which will hereafter be assigned by those who may make a point of perverting the example of my noble Friend to the purposes of picking a hole in a measure which may be presented by the Government, rather than subject themselves to risk of being represented throughout the country as having voted against a measure which contained some good provisions. Well, but what, let me ask, is to be the result of the division which we are about to take on this Bill? The point is one on which we know very little; but it appears to me, I confess, that if this Resolution had not been moved those who are favourable to the opinions which it enunciates would be in the position of what our neighbours at the other side of the Channel would call "masters of the situation;" would be in the majority, and would, in short, be overwhelming in giving effect in Committee to the principles of which they are the advocates. Now, permit me in passing to make a single remark on a point which is not devoid of importance. I understood the right hon. Baronet the First Lord of the Admiralty to say that the Government looked upon the principle of uniformity of suffrage as a matter which might be dealt with in Committee. The omission on that head which occurred in the brilliant speech of the Secretary for the Colonies was supplied by the right hon. Baronet. That being so, it seems to me that if we should not pass this Resolution we should be sure to attain the objects which it seeks to effect. But have we an equally good assurance upon that score if the Resolution is successful? If we pass the Resolution it will not rest with us to take the next step. The hon. Member for Birmingham (Mr. Bright), indeed, says something about digging a hole in the floor of this House, burying the Bill, and huddling up this question. My hon. Friend is no doubt a great authority upon such points, for he, I venture to say, knows more than any one else about digging holes and burying Bills. But what, let me ask, do the words "huddling up this question" really mean? My hon. Friend spoke somewhat cautiously the other evening; his circumspection, indeed, was such that it was impossible to tell what he was aiming at. I listened to his speech, I confess, with great pleasure, but I did not quite understand why it was that my hon. Friend was so much alarmed at the idea of this question being "huddled up." We are not going to vote upon it through the medium of the ballot. Such a process would, I admit, be something like "huddling it up." We have now arrived at the sixth night of this debate. This is the eighth or ninth year in which you have been engaged in the discussion of this subject. The speeches made upon it are reported by the yard—I should, perhaps, be more accurate in saying by the mile—and printed off by the million. We are acting in the face of day, and in the presence of our countrymen. There is no mystery about the matter. The idea of "huddling up the question" is therefore absurd. There need be no alarm upon that score. The only ground for fear in connection with the subject is, that agitation with respect to it might be prolonged. I cannot see, under all the circumstances of the case, that the Resolution of my noble Friend is calculated to have any other effect than to retard its settlement. If we should go into Committee we must, I concur with the right hon. Gentleman the Member for Stroud (Mr. Horsman) in thinking, deal with this measure irrespective of the feelings of those by whom it was introduced. The question we have to consider is not whether we shall then pass the Bill in its present shape. I am free to admit that so far as regards those points in the Bill to which exception is taken you are fully justified in your opposition to them. It is consideration for the public interests and apprehension of the consequences which would be likely to follow an adverse vote upon this occasion that alone would withhold me from giving effect to that opposition in the manner which you propose. Let me ask the noble Viscount the Member for Tiverton what are the views which he entertains — after what he has heard since he addressed the House the other evening—with respect to the result of the decision at which the House of Commons may arrive? I put the question to him perhaps with the more confidence because I know that by the rules of the House he is prevented from replying to me. He has, however, got around him an admirable staff as yet unexhausted, and we shall, I dare say, learn from some member of it, what it is which the noble Lord contemplates as a consequence of the success of the Resolution. The noble Viscount distinctly said to us the other evening, "Give your votes for the Resolution, and I will tell you what will follow—the progress of the Bill under the auspices of the very men by whom it was framed." The noble Viscount, in short, condemned the Government to retain their places and their Bill, thus following a great historic precedent, consecrated by many ages, in accordance with which, galley slaves are chained to their oars. Since the speech of the noble Viscount was delivered, however, we have been informed on the part of the Government that the Bill will not be proceeded with if the Resolution should be carried. I deem it my duty, therefore, to consider what we have to apprehend in the event of this Resolution being successful, not in the interest of the Government, but of Reform itself. With respect to the former consideration I can only say it is of too small a nature to be put for one moment in competition with that more weighty one which ought to rule our decision on the present occasion. I cannot hesitate to agree with those who are of opinion that this question of the fate of a Ministry has been pushed somewhat too far. I am of opinion, for instance, that the language which was used by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) with reference to the Earl of Malmesbury, who, he seemed to say, had constituted England the mediator of Europe, was somewhat too warm in its colouring, and was the result rather of Friendship than of the dictates of a strictly judicial mind. I feel convinced—while I am grateful to the Earl of Malmesbury for what he has done as well as for what he has not done—that any Government which may be formed at the present moment will be constructed with a due sense of the heavy responsibility which it must be prepared to undertake as well with respect to the question of Reform as in connection with the subject of foreign affairs. The Earl of Malmesbury, however, is not the only man who must be presumed to feel a due anxiety for the preservation of peace. That sentiment, on the contrary, has taken posession of the country, and I trust that those who labour in giving effect to it will feel, as I have no doubt the Earl of Malmesbury does, that if we hope to establish a durable peace we must attempt to do something to mitigate those great evils which are the real source and fountain-head of the present embarrassments, and which so long as they continue unmitigated will inevitably produce the recurrence of those embarrassments in an aggravated form from time to time. The question before us, Sir, is not a question of the Government, but it is a question of the Bill and of Reform. The Bill is not to go forward in the hands of the present Administration. Consider, then, that you are to lose an engine by means of which, I must confess it appears to me, effect might be given to the ideas of the House respecting Parliamentary Reform. What else is to happen? Is Parliament to be dissolved? The noble Viscount (Viscount Palmerston) says "No; I will prevent that." But the doctrine of the noble Viscount appears to me to trench upon uncertain ground, and, if the case should arise, I am not at all sure that prophecy would be fulfilled. Then is there to be a resignation? The noble Viscount says that is quite impossible; but as one of his predictions as to the Government carrying forward the Bill has failed, I am not sure that he might not be frustrated in this instance too. A dissolution would be an evil, and I do not think a resignation of Ministers at this moment—and many Members in this House share that opinion—would at all contribute to an early or an easy settlement of this question. There is another alternative which has not been alluded to in this debate neither dissolution nor resignation, but with reference to the state of foreign affairs, or to the gravity of circumstances, we may have a distant prospect of a dissolution, dropping this Bill now with a prospect of bringing in some other Bill at some future time. But, Sir, come what may, although I can't forecast the future, I say the first step in determining it will not then be with the majority of this House, but will be with the Chancellor of the Exchequer and his colleagues; but as you have now the matter in your own hands, I hope you will keep it there instead of subjecting yourselves to the chances and consequences that may follow upon any resolution which the Government, considering their own interests, may think fit to take. I think, also, whatever resolution may be come to by the Government, whether to resign, to dissolve, or to drop the Bill, and wait for a hostile attack, we shall have to regret a further postponement of this question. I used the words "hostile attack" upon the Government, and we have recently had reason to expect that such an attack would be made. I objected to the compliment paid by my right hon. Friend to the Earl of Malmesbury, but I must say, of all the compliments that have been paid to the Government in the course of the debate, none can compete with that paid them by the hon. Member for Beaumaris (Mr. O. Stanley). That hon. Member produced a Motion, announcing that in a certain contingency, which he expected might occur, he would move a vote of want of confidence in the Government. He gave that notice in one Parliamentary sitting, and he withdrew it the next. That certainly was a very short life for a proposition of so formidable a character.

> "Ostendent terris hunc tantùm fata, nec ultrà
> Esse sinent."

The same author, Sir, from whom I have just quoted, illustrates the character of his hero by saying that his enemies fled when they saw his burnished arms gleaming in the shade ; but for the first time we find a man—the hon. Member for Beaumaris—who fled when he saw his own arms. I refer to this subject for the purpose of inducing the House to consider the state of Parliamentary confusion which is likely to arise. Admitting that there is no combination—and it has been in the frankest manner denied that there is any combination as to ulterior measures among those who form the majority upon this Resolution —I think that majority can be but a misfortune to us all, according to our declared views, except to the hon. Member for Birmingham, who has frankly told us he does not wish this matter to be settled now. I am not sure that I am speaking the hon. Member's words, but I am certainly stating the inference I drew from his speech—the metaphors of digging a hole and "huddling up" give me that impression. I confess, for my own part, I am most anxious for a settlement of this question. The concurrence of opinions, and the manly declarations that have been made by my noble Friend, (Lord J. Russell) not long ago, by my noble Friend the Member for Tiverton on Friday night, and by others as to this question of Reform, appear to me to hold out to us a golden opportunity which is at present within our reach, but of which, if we let it slip now, no man can predict the return. It is, in my opinion, a misfortune to have this question agitated from year to year. After the number of miscarriages, innocent miscarriages no doubt, but still miscarriages—that we have had upon this subject, it is impossible but that the credit of Parliament must suffer if every alternate year a promise of an efficient Reform Bill is given, and in every other year of the two we find a Bill introduced and broken down in its passage through this House. It is bad for the nation that this House, which has so much business to transact on the part of this country and our vast empire, should be perpetually engaged in constitutional and organic discussions. Granted all our strength—and I believe no assembly in the world transacts business to the extent which this House does—granted all our strength and earnestness, such is the vastness of our concerns, the accumulation of our territories, such the diversity of the interests of the subjects of the Queen in different portions of the globe, that we cannot keep abreast of that mass of business, it is continually falling into arrear. Constantly, in one portion of the empire or another, in one department of public business or another, we find there is such a failure to discharge the full duties of legislation as is most unfortunate and injurious, and which would be nothing less than disgraceful were it not that the failure does not arise from weakness or unwillingness on the part of this House, but because the demands of the British empire surpass and transcend the powers of any assembly. Do what you will the wave of public business, which year after year you endeavour to keep back, will overtake you. If you have a laborious Session one year, you have a more laborious one next year. We cannot afford—as a mere matter of time—to pass year after year, to fritter away the principal part of each Session in debating the question of Parliamentary Reform. I say, too, over and above the loss of time, it is a dangerous habit for the country to fall into: It is an unhealthy sign in the state of the public mind, or rather it would be an unhealthy sign if there was a desire in the public mind to keep open such a question. No individual can be constantly watching the state of his own health without injuring it ; and a disposition to be continually agitating a question of organic change, as not only an unwholesome effect upon us, withdrawing our attention from other important matters, but it diminishes the stability of our institutions, and tends to disqualify England for the performance of those great duties which she has to discharge both to herself and to the world. I, therefore, am not willing to be governed upon the question before us by any other consideration than the simple one of, in which way shall I give my vote that will be most likely to help on this great question to a speedy and satisfactory settlement. I agree with the hon. Member for Birmingham that we should endeavour to settle this question in a spirit of trust towards the people, and for several years past we have been getting all the proceedings of legislation more and more upon that sound and satisfactory basis. I am convinced such will be the only principles upon which this House will act whenever it comes to deal decisively and conclusively with the particulars of a measure of Reform, but I entreat the hon. Member not to use his influence—to whatever other purpose he may apply it—to procure a postponement and a prolongation of these discussions. Let us, I repeat, agree upon the necessity of settling this matter at once that we may be able the better to address ourselves to the many other demands upon our time. That is, I think, what every true patriot must desire. For my own part, I can most freely say that the vote which I shall give will not be with any regard to the Government nor to party, but in that direction which I believe will more effectually tend to that consummation, which, as regards this question, I am sure is generally desired. I trust, Sir, I have given no offence to any one by the remarks which I have addressed to the House. I accord fully to every other Member that which I humbly and respectfully claim for myself, after a perhaps too prolonged, but at the same time honest and free expression of my sentiments, and I shall vote to negative the Resolution of my noble Friend, because I am sure by that vote we shall best discharge the great duty that is incumbent upon us as chief among the guardians of the British constitution and the welfare of the British dominions.

Mr. MONCREIFF said, the right hon. Gentleman who had just sat down appeared to think the argument so sound as it had been urged on that (the Opposition) side of the House, that he had not thought it worth while to devote more than two sentences to the real principles so strongly contested in that prolonged debate. Indeed, it was to be doubted whether the Government would altogether thank the right hon. Gentleman for the manner in which he had supported them. It was to be regretted that the hon. and learned Solicitor General and the right hon. Gentleman the First Lord of the Admiralty had revived the acrimonious and personal tone which had characterized previous parts of that discussion, and after the observations of the right hon. Member for the University of Oxford it was to be hoped that that tone would be finally abandoned. That right hon. Gentleman had treated this subject without imputing factious motives or party objects, but simply as a question of expediency and public convenience. But he, Mr. Moncreiff, could not agree that the Resolution of the noble Lord, formed as it was upon essential points of the Bill, was an inconvenient mode of discussing the question. That the points embodied in it went to the root of the Government measure instead of dealing with isolated details appeared from this, that the two right hon. Gentlemen who differed from the Government in regard to them not only could not support the Bill, but had been obliged to secede from the Government that brought it in. He would now look at the measure more closely. It was impossible not to see that it was framed on a principle. It was quite evident that there was a cohesion in it, and a principle also, and he asserted that the Resolution in its two parts attacked the very foundation of that principle. With regard to the measure, the right hon. Baronet the Secretary for the Colonies, in a speech which, however eloquent, might have been delivered on the discussion of any Reform Bill, past, present, or to come, said that the people were apathetic with regard to the subject of Reform. The hon. Gentleman the Member for Birmingham, on the contrary, declared that there was a most intense feeling among the people with regard to it. He did not agree with either of the hon. Members, but thought that the real truth might lie between the two statements. He thought that it was a great mistake to say that the people were apathetic upon the subject; they might be quiescent, but he was far from agreeing that they were apathetic, and he thought that the Government must have proceeded on a very false idea if they had laid their measure on the table under the belief that the national mind was indifferent to it. Moreover, if such a general indifference really prevailed, and no necessity now existed for dealing with the question of Reform, the Ministry ought to have come down to the House and frankly said so. When the Reform Bill of 1854 was withdrawn, the present Chancellor of the Exchequer said he drew from the circumstance this moral—that it was the most dangerous thing possible to introduce measures of this kind if there was no public feeling in their favour, and that Governments ought to take very good care how they entered into pledges on such a subject. That right hon. Gentleman then stated that no one doubted the sincerity of the noble Lord the author of the Bill of 1854, and here it might be remarked in passing, that the hon. and learned Solicitor General might take an example from the manner in which the leader of the House spoke of his distinguished opponents. The right hon. Gentleman added that there had been too much levity displayed in mooting, for party purposes, questions of organic change in the constitution of the country. These were the views expressed by the Chancellor of the Exchequer in 1854; but on the first opportunity the Government of which he was a distinguished member adopted a course directly at variance with them. What they were to blame for, however, was not for bringing forward a Reform Bill, but for bringing one forward unless they deemed it necessary for, or desired by, the great mass of the people. They had no right to fling down upon the floor a crude and undigested measure, and then turn round and apologize for what they did by alleging that there was no great feeling in the country on the subject. The people might be quiescent upon the subject, or even apathetic; but there was no surer way of stirring up the agitation in which they disbelieved than to take up this question in a faint and faltering spirit, and to assume that the people were indifferent how it was disposed of. He quite agreed in what had been said by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) as to the increased confidence that existed in the country as to the House; but he could consider no course more dangerous than, in the first place, to bring forward a measure upon such a subject, and next to imagine that the state of the representation could remain in the same position as it was before—by bringing in a measure which, by attempting to deal with everything, unsettled everything and settled nothing. In the remarks he was about to make he would confine himself solely to the question of the extension of the franchise. He would not be led into a discussion of the question of the readjustment of seats, or of the nomination seats; though, as to the latter, he might remark that he agreed in a great deal that had been said by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) that evening. A great deal had been said as to the danger of democratic influences. He would not go into that, as he was terrified by no such bugbear. In one sense of the word, certainly, our institutions now possessed a large infusion of the democratic principle; but, taking the term as implying a tendency to revolutionary and unconstitutional opinions, he maintained that the extension of the franchise would not necessarily result in an extension of the democratic principle. What was the result of the measure of 1832 in that respect? It had had exactly the reverse effect. Look at the feeling of the working and middle classes now and compare them with that of 1830. A feeling of devotion to the constitution had made way among them since that time. It was quite true that matters were carried on in the House in a very different way to what was formerly the case—that liberal opinions were now propounded in the House such as never were heard of before—sinecures abolished and the patronage of the Crown subjected to strict supervision; but at any rate such was the case. He did not mean to say that he was in favour of manhood suffrage, or anything like it, but he thought that the reduction that had already taken place had produced as its legitimate consequence a better understanding and love of the constitution. With regard to what was said as to the extension of the franchise being accompanied by an extension of influence among the voters, he thought that that would be the case; but that would not be the case so much if the constituencies were increased. The principle of our Parliamentary system was the representation of local popular opinion. It was the very essence of our constitution that it should be local popular opinion which was represented; but what did he find in the Bill brought in by the Government? He found that for the first time in a measure of this kind out-voters had been most sedulously provided for, and treated as a privileged class. He looked upon it as a most unfortunate sign, as he always thought that the representation ought to be restricted as much as possible to the local popular opinion. He found that out-voters in counties were provided for, and that out-voters in boroughs were also provided for. He recollected that in 1835 or 1836, when the Reform Bill first came into operation in Scotland, great dissatisfaction was felt that the votes of the independent county voters could be swamped by out-voters coming in. The principal feature of the Bill was to diminish the popular element both in counties and boroughs, and to introduce an unlimited power of bringing to bear upon the elections the opinions of those who were not at all connected with the localities in which they took place. As to the 40*s.* freeholders, it was surely enough to say that no ground had been shown for putting them on their defence. We found this franchise which had existed during many turmoils and revolutions, which had survived the civil wars, the Union of the kingdoms, and the Reform Bill itself, and why was it to be altered? It was not necessary to go into the abstract question as to whether it was desirable to have a property franchise founded upon the principle of these freeholds. That franchise was the growth of years, it had grown up with and been incorporated into our constitution, and why should it be changed? Was not the reason in order to abstract the popular element from the counties? Was that disguised? Was it not admitted that, as an equivalent for the £10 occupancy franchise, the borough element was, so far as the 40*s.* freeholds were concerned, to be abstracted from the counties? If that was really the reason for this change, it of itself ought to be enough to induce the House to agree to this Resolution. Why were they to diminish the popular influence in counties? Had it been ill-used; had the influence of the landed aristocracy been unduly overborne? There was no accusation of the kind. He was ready to admit that if the question had now come before them for the first time they might consider it, but all they had to say now was that it was an old established franchise, and that it had done the State good service; but, if it was bad, why were the votes to be allowed in boroughs? They were retained in boroughs whether great or small, and every holder of a 40*s.* freehold was to have a vote. It did not require to be shown what an effect this would have in borough constituencies. The result would be—as he believed it was intended to be—that in the smaller boroughs the property franchise would so work as greatly to destroy, or at all events, to counteract the political opinions of those who resided in the boroughs. Then, too, with regard to the £10 occupancy franchise in counties, must that be in connection with a dwelling-house? If not, if a landed proprietor could make a vote for every ten-acre field which he let at £1 per acre, the independence of the counties would, in Scotland at least, be gone for ever. They were told that there was a principle of uniformity involved in this measure, but that was not necessarily a recommendation. Uniformity in politics, like uniformity in art, might lead to symmetry or distortion accordingly as it was applied, and he was of opinion that in this instance it was more likely to produce the latter than the former result. This idea of uniformity was an entire delusion, and a very dangerous one. There were two reasons why the borough and county franchise never had been and never ought to be uniform. The first was, that the constituencies to which they applied were different in their nature; and the second that the description of property frachise was different in each. It was said that if uniformity was not granted, there would be an agitation for it. He had not that fear of agitation which some hon. Members had. On the contrary, he thought that a healthy state of the constitution in a great degree depended partly upon agitation, and that where the object was not reasonable in itself it was not likely to be attained. But would agitation be avoided by means of the proposed uniformity? On the contrary, he would promise the Government the most hearty opposition to uniformity. If uniformity were enacted this year it would have to be repealed next year. And he was persuaded that if the borough franchise were to be stereotyped at £10, because a £10 occupancy franchise was granted to counties, the urban constituencies would never rest until that law was repealed. In that view the reduction of the county franchise to £10 was the most cogent reason why the borough franchise should be further reduced. The Government said they could not do more than they had done, that they had already given up half their principles, and could not be expected to abandon the remaining half. He would tell them, however, that if, looking their difficulties in the face, they had come forward candidly and boldly, and, instead of resorting to all kinds of *finesse*, had proposed to reduce the county franchise in the manner proposed by the hon. Member for East Surrey (Mr. Locke King), and to reduce the borough franchise to £8 or £6, they would have been met on that side of the House in the most cordial spirit, and the Opposition would gladly have joined with them in passing their measure. Such was the proposition suggested to them by their two late colleagues; such was the proposition which had received the assent of the right hon. Member for the University of Oxford himself; and such, moreover, was the proposition which would ultimately have to be adopted. But, instead of bringing forward so sensible a measure, they had chosen to wander into devious courses, and the result was that the Bill which they had actually introduced settled nothing, dealt with first principles in a retrograde spirit, and stifled instead of enlarging the popular element in our representative system. He, for one, was not afraid of the working classes. He thought too much had been said about the working classes, as if there were a broad line between them and the middle classes. Who were the working classes? Were they not the great bulk of the people of this country? How were they to draw a line between the operative engineer and the man who made his fortune in the same calling? The truth was that all classes shaded into each other, and they were not there to patronize or pity the working classes especially, but to do what was best for the country. He was far from saying that every man who belonged to the working classes ought to be at once enfranchised, the Legislature having hitherto, in his opinion, neglected its duty in regard to their education; but as a body the working classes were constantly increasing in intelligence as well as in power, and he knew no better way of extending the basis of the constitution than by placing the franchise within their reach. A great deal had been said as to the probable consequences of passing the Resolution and rejecting the Bill. With that he had nothing whatever to do. The simple question which he had to consider was to what decision should the House come upon the question before it. Those who were prepared to vote against the Bill were not called upon to shadow forth all the political changes and arrangements which might follow the division, and he was not aware that right hon. and hon. Gentlemen opposite took any pains to describe their policy, or even to ensure a majority, before they accepted office. No doubt the people desired a measure of Parliamentary Reform, but what they wanted even more was the formation of a Government strong enough to carry the measures which it believed to be for the welfare of the country. Whatever might be the result of the present Motion, he was certain that far more hazardous and more revolutionary than any extension of the franchise among the educated working classes was the existence of a Government not having power to carry measures which they thought to be for the benefit of the people, and surrendering their power into the hands of that House.

MR. R. PALMER said, that hardly any one Member who had spoken from that (the Ministerial) side of the House had appeared entirely to approve of the Bill, and he must confess there were some parts of it to which he himself strongly objected. Its main features were uniformity and the disfranchisement of the 40*s*. freeholders; and he objected to both. As regarded the proposed uniformity, he thought that if it were insisted on, it would lead, after a short period of time, to a further reduction of all the franchises. In support of this opinion he would refer to the speech of the hon. Member for Birmingham, who had expressed his conviction that a downward tendency of the franchise must be the result of the adoption of the principle of uniformity. With regard to the 40*s*. freeholders in boroughs, he saw no reason why they should be disfranchised, for he was not aware that they as a body had in the exercise of their franchise been guilty of any impropriety of conduct. He thought that under these circumstances they ought to be left alone. He had no objection to a measure of Reform, for he had been a Reformer to some degree, he might say, all his life long, and voted for the Reform Bill of 1832. He might be asked to what extent in lowering the franchise would he be prepared to go. He was not wedded to the maintenance of the occupation franchise in counties at £50, and he conceived the time had come when, to a certain degree and a considerable extent, the franchise should be extended. He agreed with the right hon. Member for the University of Cambridge (Mr. Walpole) that a £20 occupation franchise would be a good resting place with regard to counties. That amount was the qualification for jurymen, who were called on to perform laborious duties, requiring intelligence in the execution, and the same class of men would be quite competent to select a proper representative at an election for Parliament. With respect to the borough franchise, he saw no reason why it should be limited to £10, and he should have no objection to its extension so long as the vote was given to independent and respectable persons. Beyond that point the House ought not to go. He remembered that a year ago the Motion of the hon. Member for East Surrey (Mr. Locke King) was vehemently opposed on the ground that the reduction of the county occupation franchise to £10 would bring in such a multiplicity of voters in unrepresented towns as would swamp the influence which the present holders of the franchise enjoyed. He did not understand how what was objectionable last year could be considered acceptable in the present. For these reasons he objected to the Bill as a whole. It was with considerable difficulty that he had made up his mind as to the course he should pursue, though he had no doubt on the subject of the noble Lord's Resolution. He regarded that Resolution as moved more from party motives than on any other account. He considered that every point alluded to in the Resolution could be equally well discussed in Committee, and therefore he should certainly not vote for the noble Lord's Resolution. With regard to the second reading of the Bill, however, he had felt some doubt as to the way in which he ought to vote, and unless he thought that the provisions he had adverted to were open to amendment in Committee he could not bring himself to vote for the second reading. Having, however, heard from the hon. Baronet the Secretary to the Treasury, from the Chancellor of the Exchequer, and still more decidedly from the right hon. Baronet the First Lord of the Admiralty, that these questions were all open for reconsideration, and that it would be within the power of the right hon. Member for the University of Cambridge to move the adoption of a £20 county occupation qualification, and for the right hon. Member for Oxfordshire to propose a diminution of the borough franchise, he thought the best course he could take was to give his vote against the noble Lord's Resolution, and, if the question should be put on the second reading of the Bill, then to vote in favour of the second reading.

Mr. WESTHEAD said, that—representing, as he did, a city in which there dwelt a great number of intelligent and active persons of the middle and lower classes, who had lately met to discuss the merits of this measure—he deemed it his duty to state to the House what he believed to be their sentiments with regard to the Bill, and he must say that in those sentiments he in great part concurred. The citizens of York during the discussion which took place last autumn on the subject of a Reform Bill were contented to be quiescent. They waited until the Government measure was prepared, and they then assembled in large numbers in their Concert Hall. He was unable to be present himself on the occasion, but he had heard from those who were, that the feeling was most decidedly and unanimously in disapprobation of certain provisions of the Government Bill. It was not to be wondered at that the citizens of York should feel aggrieved at that portion embraced within the first part of the noble Lord's Resolution. They were strongly opposed to the disqualification as county electors of 1,100 freehold voters resident in the city. He warned the Government that the introduction of such a principle as that contained in the Bill would materially disturb the balance of parties both in counties and boroughs. In the North Riding of Yorkshire the Bill would remove from the county to boroughs 2,073 electors, amounting to two-fifths of the whole number who polled for each of the successful candidates at the hotly contested election of 1857. There were 4,335 registered electors for the city of York, but this Bill would introduce into the constituency a new element—that of freehold voters. He believed that in the case of York that element was decidedly Liberal, but he thought this displacement of voters was unfair to all parties. This disturbance of the balance of representation would take place just as much if the Bill were modified as proposed by the Chancellor of the Exchequer. It had been said that the freeholders in boroughs would rather vote in a borough where the electors were but a few hundred than in a county where the number was much greater; that, in fact, by so doing they would obtain a greater share in the representation of the people. But, in his opinion, this would not be the course followed; they would, under the Chancellor of the Exchequer's clause, take care to vote in that constituency—be it borough or be it county—in which they felt that their votes would turn the scale.

Let the House consider how often it happened that the scale between a Liberal and Conservative candidate was turned by but a few votes. At the York election his hon. and gallant Colleague polled 1,520 votes, and 1,541 were recorded for himself. Parties were, therefore, pretty equally balanced; but if a preponderating Tory element was thrown into the constituency, the result would be the return of two Conservative Members, while if the element proved to be Liberal two representatives for the city of York would probably sit on that (the Opposition) side. The consequence would be that, if the freeholders had the opportunity of choosing between the county and borough franchise, arrangements would be made for introducing into boroughs so many freehold voters as would turn the scale in favour of the one party or the other. Now, he thought that the Government would have done better had they, instead of introducing this elaborate measure, inquired what people wanted, and have contented themselves with meeting that want. Now, what was wanted was, not an interference with the borough franchise, but a reduction of the limits in the case of borough voters. For his own part, he traced the evil plan of the Government Bill to that illegitimate addition to the first Reform Bill which was known as the Chandos clause. Had not that clause been law they would never have heard of £10 voters in counties, and he wished to God it had been so, for that was the best and purest franchise of all. He did not know what would come of the £10 franchise; but at any rate there would be plenty of "cooking" in the counties, and he should be able to make a quantity of votes on his property. The most vicious part of the Bill was, that it exhibited great distrust of the people of England, and he felt sure the people of York would not be satisfied until they had the borough franchise reduced to a much lower amount than at present existed, and that alone to him was an objection which demanded his vote to be given for the Resolution of the noble Lord. In giving that vote he was acting consistently with the principles upon which he entered that House. He came in there as a Palmerstonian, he came pledged to support the policy upon which that noble Viscount dissolved the preceding Parliament. But in his address at the hustings, after he had answered the questions addressed to him on the subject of our foreign policy, he had been asked, supposing the noble Lord the Member for London brought in a Reform Bill, and that Bill was opposed by the noble Viscount the Member for Tiverton, which way would he give his vote. To that inquiry he had frankly answered that he should follow the noble Lord the Member for London. He warned the Government against falling into the errors of their predecessors of 1830, and allowing themselves to be misled by vain fears. He remembered the exaggerated alarms which the statesmen of that day indulged in upon the subject of the £10 franchise; they foretold the fall of the monarchy, the disruption of the constitution from it. Now, what were the facts? He called the attention of the right hon. Gentlemen opposite especially to them, in the hope that they would learn by experience. Since that date the country had been more orderly than ever. In 1830 no great meeting could take place without endangering the public peace. Let the House see what took place now. The hon. Member for Birmingham had been addressing great meetings all over the country, and not one disturbance had taken place throughout the hon. Member's tour. He was himself satisfied that as the past had been so would the future be, if a fair measure of Reform were given. The Government should bear in mind that the longer the boon was refused the greater the demand would be. Under these circumstances, he felt it to be his duty to give his vote for the Resolution of the noble Lord the Member for London. What would be the result of the vote the House might give he knew not. He, for one, should greatly regret the circumstance if it were followed by the retirement of the present Government. The existing Ministry had brought forward many good measures; they had fulfilled their duties in that House with distinguished ability; and they had in their private transaction of affairs given a satisfaction which was felt throughout the country.

MAJOR EDWARDS said, after the eloquent speeches which we have heard from both sides of the House, I think it would be presumptuous on my part to detain the House at any length, but I feel it necessary after what has been said to put myself right with the constituency which I have the honour to represent. We have already had two Bills for the settlement of this question brought forward by the noble Lord the Member for the City of London; but both of those measures were received with so little favour by the House, that they were rejected or withdrawn. We have also had another Bill in prospect from the noble Viscount who sits upon the front Opposition Bench (Lord Palmerston). That Bill, however, has not been forthcoming, and I therefore say that we are under very deep obligations to the present Government for introducing a Bill upon a subject which is surrounded by so many difficulties. With other Members who sit upon this side of the House, I cannot say that I altogether approve of the whole of the details of that measure, but nevertheless I believe that the good preponderates over the evil, and I intend not only to vote against the Resolution of the noble Lord, the Member for the City of London, but also to vote in favour of the second reading of the Bill. I consider, Sir, that the great object which is to be gained by the passing of this Bill is the enfranchisement of 400,000 persons. That, to say the least, would be a very great boon to the people of this country, and therefore that portion of the measure is one which in my opinion ought to be accepted by the House. On the other hand I entirely disapprove of that part of the Bill which establishes the principle of identity of franchise in the counties and the boroughs. At the same time, I think that I am perfectly justified in voting for the second reading of the Bill, and that I am bound to consider the motives which have influenced the Government in drawing up the Bill, and do not think that the circumstance of the two franchises being identical should be regarded otherwise than as simply and solely accidental. On that ground, then, I should feel myself perfectly justified in going to my constituents and telling them that I had voted for the second reading of the measure. I shall never forget the words which escaped the lips of the hon. and learned Member for Sheffield (Mr. Roebuck), when he warned the House of the difficulties into which the country would be plunged, either by a change in the administration of affairs, or by a dissolution of Parliament at this momentous crisis. The hon. and learned Gentleman told the House, and I perfectly coincide with him, that either of those events would be one of the greatest calamities that could happen to the country at the present moment. But I would appeal to the honour of noble Lords and right hon. Gentlemen whether they can accept this Resolution, and then go to a division on the second reading of the Bill itself. I say that it is utterly impossible for them to pursue such a course, and if the Resolution be adopted it will be their duty as honest men to appeal to the country. I, for one, am not afraid of the result. I believe that it is not the party with which I am connected, nor the party of hon. Gentlemen sitting below the gangway on this side of the House that will suffer from a dissolution necessitated at the present moment by a factious opposition to the Bill. Some persons, no doubt, will suffer more than others, but it will be those who will have rendered a dissolution necessary. (*Cries of* "Oh," *from Members on the Opposition benches.*) I repeat that it will be those who by their factious opposition to the Bill shall have rendered a dissolution necessary. It is not the Tory party, nor is it the party below the gangway that will lose by a dissolution. But the dissolution will lead to the utter annihilation, if I may so say, of the Whig party. I remember very well the words which fell from the noble Viscount whom I now see entering the House (Viscount Palmerston) when he addressed us the other evening. He told us that the party to which we belong, are perfectly certain of a majority. But that statement on the part of the noble Viscount only reminds me of the words of the great poet, that

> " —— violent delights have violent ends
> And in their triumph die, like fire and powder
> Which as they kiss consume."

I believe that the noble Viscount at this moment trembles for the result of the division; and for my own part I am firmly persuaded that there will be a majority in favour of the Government now in power. The feeling of the country is unmistakeably in favour of the present Government, and I may venture to say, that if the opinion of the leading bankers, merchants, and tradesmen of this great metropolis and of all the large towns and cities throughout the country were taken, by ballot if you like, it would be shown to be decidedly averse to any change in the Government at the present moment. There is only one question more upon which I wish to address the House. As I am not anxious to trespass too long upon your attention, considering the large number of hon. Gentlemen who were desirous to express their opinions upon this important subject. We have heard a great deal in this House with respect to fagot votes. Now, I hope I know a little of fagot votes and fagot voters in Halifax. They have more than once been brought prominently under the notice of the House of Commons. But let me ask who it was that inaugurated the system of fagot votes. Was it the Conservative party? Was it the Whig party? Was it the Radical party? No; but it was the Whig-radical section of the community. It was they who commenced it, and taught it to the Anti-corn Law League party, in order that it might assist them in carrying on their agitation. How many thousand votes were made by that means in South Lancashire I am not able to say, but I know perfectly well that in the West Riding of Yorkshire, to which I belong, thousands upon thousands—I may say their name is legion—of 40*s.* freeholders were fabricated for the purpose of returning Richard Cobden to represent that great division of the county of Yorkshire. Mr. Cobden's adoption by the riding was a matter of chance and against the wish of the greatest and most powerful landed Whig proprietor of that division of the county. In point of fact, it was contrary to the mandate of Earl Fitzwilliam, whose letter reached the Conservative Committee too late to be available. Its receipt, one half-hour earlier, would have placed the Conservative opponent of Mr. Cobden upon the hustings. There is another reason why I wished to stand forward this evening. On more than one occasion, the number of fagot voters in the town of Halifax has been paraded before the House. Now, I once had the honour of representing that town, and my colleague was the right hon. Baronet the First Lord of the Admiralty under the late Government (Sir C. Wood), and who still remains one of its Members. I was not in the House when the right hon. Gentleman spoke the other evening, but I have read the Report of the right hon. Baronet's speech in *The Times*, and I remember what occurred on the hustings of Halifax when we last met in political conflict. Is there no gratitude on the part of the Whig party? Did the right hon. Baronet in 1847—I wish he was now in the House—refuse the assistance of the fagot voters of Halifax. Did he refuse them when they were offered to him at a time that his seat was in danger, and when his great opponents were Mr. Miall and Mr. Ernest Jones? No. He gladly accepted the aid they rendered him, and he was returned by the occupiers of "land and buildings," the very parties who have been termed the fagot voters of Halifax. And what did the right hon. Gentleman do in the year 1852, five short years afterwards? In return for what the great Conservative party did for him at that time he brought forward a person who had acted as one of the committee men of Mr. Ernest Jones in 1847, and returned him to the House of Commons in my place. Now, I am the last man in the world to indulge in personalities in this House. But when I hear the great Conservative party in Halifax, numbering as it does one-half of the constituency of that borough, attacked, I cannot abstain from rising in my place and resenting the attack. In conclusion, let me again remind the House and the hon. and learned Member for Sheffield, that it would be the greatest calamity which could occur in Europe, if the present Government were to be displaced from power at this important juncture.

MR. COLLIER said, that the right hon. Member for the University of Oxford had made a powerful speech in favour of the Resolution of the noble Lord the Member for London, but according to his usual practice of speaking on one side and voting on the other, had concluded by declaring his intention to vote against it. The right hon. Gentleman urged that Gatton and Old Sarum ought to be restored, because without Gatton, Pitt would not have been returned to Parliament, and without future Gattons we could expect no future Pitts; and then the right hon. Gentleman went on to say, that he would vote for the Bill of the Government which restored neither Gatton nor Old Sarum. This was a fair specimen of the vein of logic which ran through the right hon. Gentleman's speech. It appeared to him (Mr. Collier) that the principle of the noble Lord's Resolution had been acknowledged on both sides of the House, while that of the Bill was defended only by the occupants of the Treasury bench, whose arguments were conflicting and self-contradictory. The right hon. Baronet the Secretary for the Colonies argued that to admit the working classes to the franchise would be to destroy the British constitution, and to hand over the Government of the country to a pure democracy. He regarded the £10 franchise as the bulwark of the constitution; and pictured to himself, as a consequence of its removal, the assembling within those walls of a Congress of demagogic delegates representing not the cultivated intelligence of the country but only the ignorance and fury of the masses, bent on the overthrow of our institutions, and eager to trample upon the Crown. On the other hand, the hon. and learned Solicitor General said, that the object of the Bill was to admit the working classes by means of the "fancy franchises," and thus in the opinion of the Secretary of the Colonies to overthrow the Monarchy. So far back as 1830 the right hon. Secretary for the Colonies was not so much afraid of the working classes as at present. He found in the *Examiner* of October 30, 1831, an account of a meeting of the National Political Union, at which were present, among others, Mr. Lytton Bulwer, M.P., and Mr. E. Perry. In the Resolutions agreed to it was stated how important was the institution of a union which professed for its object the welfare of the working classes, to show distinctly that the furthering of their interests was the basis of the association, to make it clearly understood that the present meeting did not wish to use the working classes for a specific object, and, that object gained, to have no more to do with them. Had the working classes deteriorated since that time, or had the right hon. Gentleman shown that there was anything in their present conduct or deportment which disentitled them to their fair share of political power? Then, again, one Member of the Government declared that the disfranchisement of the county voters resident in boroughs was intended as a counterpoise to the lowering of the county franchise; but the Solicitor General defended the destruction of this ancient franchise on the ground of some theoretical symmetry applicable to a new and model paper constitution. This from the law officer of a Conservative Government who professed to revere what is ancient and to respect the landmarks of the constitution! Those contradictory arguments were wound up by the Secretary for the Treasury's suggestion that the Bill might possibly be turned into a good one in Committee. If that was the best that could be said for the Bill, it was hard to say whether the condemnation of its opponents or the faint praise of its supporters was the more damaging. If every man in the House voted as he had spoken, Her Majesty's Government would not have fifty votes. The great majority of speakers had agreed in the principles of the Resolution. ["No, no!"] Yes, the disfranchisement of the borough freeholders had been universally condemned, and a lowering of the borough franchise as generally advocated, and these were the two principles laid down in the Resolution of the noble Lord. These opinions had been generally expressed, and it lay on the men who had expressed them to show a very strong case for voting against their own opinions. The argument that the Bill might be made a very good Bill in Committee seemed to infer that the second reading of a Bill was a mere matter of form. The right hon. Member for Stroud (Mr. Horsman) talked of eliminating some eighteen lines from the first clause, as if very little mischief could be contained in eighteen lines; but he should recollect that in six lines a clever lawyer might destroy the British constitution. It appeared to him (Mr. Collier) that to assent to the second reading of the Bill, in order that it might subsequently be completely transformed in Committee, would place the House in an entirely false position, for in Committee they would have been told that they had agreed to the principle and that it was unfair to introduce extensive changes. Then, again, it was said that the Government would take the success of the Resolution as a vote of censure. He would not be deterred from the performance of his duty by such a threat. The First Lord of the Admiralty (Sir John Pakington) had moreover stated that the Resolution of the noble Lord was irregular and unparliamentary; but if such was the case, the right hon. Gentleman stood self-convicted of having supported, for political purposes, an irregular and unparliamentary Resolution, inasmuch as he had supported a precisely similar Resolution moved by the right hon. Gentleman the Member for Ashton-under-Lyne (Mr. Milner Gibson), on the Motion for the second reading of the Conspiracy Bill. But he did not blame the Government for now at last taking their stand. After a long career of retractation, concealment, compromise, and concession to everybody and of everything, they were at last about to stand or fall by a principle, and in doing so it might be said of them, as it had been of the Thane of Cawdor, that "no part of their life became them like the leaving of it." He was glad to see them at last determined to take their stand upon their own Conservative principles. He should vote against the second reading of the Bill because he believed that, instead of being a settlement of the reform question, it would only delay and endanger it. He believed that a great mistake had been made in estimating the feeling of the people of this country. The people had hitherto been not apathetic, but tranquil, because they believed the promise made that a Reform Bill should be introduced. They believed now that that promise had been broken, and some agitation had already been the consequence of their just indignation at what they deemed a breach of faith on the part of public men; still the country was on the whole peaceable, because they believed that the House of Commons would reject the Government Bill and give them a proper measure of reform. The Bill had been called a sham and a delusion, but if he were inclined to borrow the slang of St. Giles's, with which the hon. and learned Solicitor General seemed to be so familiar. [*Cries of* "Oh!"] Yes, it was the hon. and learned Gentleman who had introduced the slang when he called the Resolution a dodge, he (Mr. Collier) would characterize the Government Bill as a dodge brought forward to support a certain party, and not conceived in an honest desire to amend the representation of the people. It stopped the way to any real and substantial reform, and if read a second time would be but the signal to an agitation which might approach in intensity to that of 1832. He should support the Resolution, because it both negatived the measure and stated the reasons for negativing it, thereby raising a clear and definite issue which would be well understood by the country, should Her Majesty's Government venture to appeal to that public opinion by which they already stood condemned.

SIR JOHN WALSH said, that the Government had brought forward this measure in the hope that it would be received at any rate as a settlement of the question by all parties. The right hon. Baronet the Secretary for the Colonies had stated to the House that a Conservative Government could not be expected to bring forward a Bill which would in its nature and traditions entirely content hon. Gentlemen professing the opinions of the hon. and learned Gentleman who had just spoken; but they did hope, considering how long this question had been in suspense, and how very unfortunate and injurious to the best interests of the country it was that the minds of the people should be in a chronic and perpetual state of agitation on this question, that the Bill which they tended to the House would be received as a fair concession on their part, and as evincing a sincere desire to settle a difficult and embarrassing question. The hon. Gentleman the Member for Southwark (Mr. John Locke), who addressed the House last evening, thought proper to pay a sort of ironical compliment to the Conservative party by saying that he was rejoiced to see the great advance they had made in the way of Liberal opinions. Such a compliment was certainly calculated to grate on the feelings of those who acquiesced in the measure as a political necessity, rather than welcoming it as a blessing and an advantage to the country. But if that side of the House could be complimented on the Liberal speeches which had been made, he was sure the compliment might be returned, for he had rarely heard more Conservative speeches than those which had been uttered on the Opposition side of the House. The right hon. Member for Coventry (Mr. Ellice), the Nestor of Reform, had shown a lingering affection for his early love, the Act of 1832. The friend of "the Bill, the whole Bill, and nothing but the Bill" in his youth, he was evidently very sorry to desert it in his age. Willing to move, but hardly knowing in what direction, the right hon. Gentleman, like the dove from the ark, looked anxiously for a "resting-place," but appeared unable to find one. The hon. Member for Birmingham (Mr. Bright) set himself up as the eulogist of the working classes, but the moderation of his speech in that House offered a striking contrast to that which he had previously offered in Glasgow, where his principle theme was the unwieldy size of the estates of the landed proprietors. He (Sir John Walsh) fully admitted that there was no population, no working class, which was more worthy of political rights, or would make a safer use of them, than that of England; but he could not lose sight of the fact that a pure democracy was a dangerous and bad form of government, which led to assaults upon property and to insecurity, and which finally resolved itself into a despotism. He had been very much pleased to hear the arguments which were urged on the opposite side in favour of the small boroughs, which seemed to him to be the echoes of the speeches made by Mr. Croker and Sir C. Wetherall during the debates on the first Reform Bill. The right hon. Baronet the Member for Carlisle had admitted that the ballot, which would inevitably have the not distant result of converting the English constitution into that of a pure democratic republic, was making great progress; and he therefore contended that in any reforms which the House might adopt, they must take precautions against the occurrence of a state of things which they all disliked, and which no hon. Gentleman would be prepared to advocate. The settlement of 1832 had lasted much longer than he expected; but this was chiefly owing to the continuance in the Legislature of many of those veteran statesmen who had assisted in passing the Reform Bill, and whose presence there, after the lapse of nearly thirty years, was a proof that politics were not an unhealthy occupation. The Reform Bill in its later results had not been satisfactory. It had reduced Parliamentary government to a sort of chaos, and a Ministry was now in office which had not the support of a majority of the House of Commons, while the Opposition was broken up into various and irreconcilable sections, representing different interests, and incapable of acting together for the attainment of one common object. No Bill could be introduced which would have the effect of immediately curing these defects; but, nevertheless, the present measure was of that moderate character which would recommend it to the favourable consideration of the people, and gave reason to hope that, if passed, it might prove a satisfactory settlement of the Reform question. Would it be wise then to affirm a Resolution evidently intended to render such a settlement impossible, and to force the Government to abandon their Bill? On the contrary, a more imprudent and dangerous course could not be adopted, and he, for one, earnestly trusted that the House would agree to read the Bill a second time, deferring the consideration of its details, which he admitted might be amended, till a subsequent stage.

Mr. W. O. STANLEY said, he felt it incumbent on him, after what had fallen from the right hon. Member for the University of Oxford (Mr. Gladstone), to state why he had put his notice on the table, and why he had withdrawn it so recently. The noble Lord the Secretary for India, early in the debate, intimated in clear outline the course which the Government would be compelled to take with regard to the Resolution if it were carried; but successive speakers afterwards rose and obliterated that outline, and seemed to offer a different issue to the debate. Various plans were suggested by different hon. Members, and it appeared as if the Government were about to repeat their course with regard to the India Bill, giving up the control of their own Bill into the hands of the House in the nature of a superior power. He was convinced that no course could be more dangerous than that to the character of the House and of public men. He considered that if the constituted advisers of Her Majesty abdicated their functions, a fatal blow would be struck at the constitution of the country. It was with the view of preventing such a course being pursued that he had put his notice on the paper; but after the clear and emphatic declaration of the right hon. Gentleman the Attorney General for Ireland (Mr. Whiteside), which had been elicited by the goading taunts of his noble Friend the Member for Tiverton (Viscount Palmerston), he did not think that it was necessary to bring forward his Motion, as it was not his object to bring forward a general vote of want of confidence in the Government. His only desire was upon the question of the Reform Bill to place a distinct issue before the House. On Friday night the right hon. Gentleman the Attorney General for Ireland (Mr. Whiteside) had declared that the fate of the Ministers and of the Bill depended upon the vote that was taken upon the Resolution. All he wanted was a clear issue; that in voting for the Resolution of the noble Lord those who voted for it should virtually declare that they had no confidence in the Government as to carrying out the great question of Reform. As to what had been said about his being afraid of his own notice of Motion, he was not frightened at the shadow of the figure that he had raised up; but, as it was admitted that by the present vote all would be attained that he had in view, it would be absurd to continue the discussion and to ask the House to go on with the debate upon the same question for ten days more. As to the Resolution, he would not go into the different features of the Government measure. It was sufficient to say that it was condemned by four-fifths of the House. He might add, however, that having for many years represented a city of considerable importance, the City of Chester, in which upwards of 1,500 voters were freemen, and having had opportunities of seeing how fearlessly and honestly those working men exercised their suffrage, he, for one, had no dread of an extension of the franchise. The principle of a Reform Bill should be the extension of the franchise in counties and boroughs, but there should not be the same suffrage in both. With regard to the voting papers, he agreed with the remarks of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), and the right hon. Baronet the Member for Carlisle (Sir James Graham); but, as he had always voted for the ballot, and as he felt that any great extension of the franchise would be of no use unless it was accompanied by the ballot, he hoped that it would form a part of any future Bill that was brought in upon the subject of reform. He would say no more upon the subject, but he hoped that he had successfully defended himself against any sarcasms of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone).

MR. MACAULAY said, he felt strongly on the general policy and the justice of the principles of this Bill; and as he had also very decided views with regard to what he considered to be the impropriety, the impolicy, and the injustice of the Resolution, he was anxious to state very briefly the grounds upon which he was about to give his vote. The right hon. Member for Oxford (Mr. Cardwell) had on Friday evening congratulated the House upon the altered circumstances under which they were now discussing this question as compared with the circumstances of 1832. His right hon. Friend said, "Now we are in a condition to enter into a calm and scientific consideration of the principles on which we shall alter the foundations of the constitution of this House." He had hoped, after such an exordium, that the right hon. Gentleman was not about to give a vote, the effect of which would be to suffocate the possibility of a discussion of the principles propounded by the Government. The principle of the Bill was, as he understood it, to effect a very wide extension of the suffrage throughout the entire country, in the boroughs as well as in the counties. It struck him that in the speeches of hon. Gentlemen on the opposite side of the House the measure had been regarded too much bit by bit, as regarded particular provisions in some cases relating to counties, and in others to boroughs, as the case might be. But, looking broadly at the general feature of the measure, he saw that it provided for the enfranchisement of the whole of the community, so far as the Bill extended. The population to be directly and for the first time affected by the provisions of the Bill were 10,500,000 in the counties, against 7,500,000 in the now represented boroughs. It was proposed to extend the franchise to these classes upon the principle of taking the occupation franchise now existing in boroughs and applying it to the whole country, and of adopting throughout the country varied personal qualifications which would import electors into the constituency. Was it intended by the noble Lord, the Mover of the Resolution, to condemn those principles? That object was not avowed; while, with respect to one part of the Bill—that referring to the occupation franchise in boroughs—the Resolution was couched in such ambiguous terms that what it asked for would be complied with by the lowering of that franchise by the amount of even £1 sterling or a still less sum. When, however, they heard the speeches that were made in support of the Resolution, they were obliged to come to the conclusion that the intentions of those who supported it were somewhat more extensive than would appear from the wording of the thing itself. He understood the right hon. Member for Oxford to contend that by this Bill the House was called upon to sanction a principle contrary to the known usage of the constitution—namely, what was called uniformity of suffrage as contrasted with variety of suffrage. He thought there had been some misapprehension on this subject, partly founded upon an extract which his right hon. Friend had read from the works of Sir J. Mackintosh. [MR. CARDWELL: I quoted no passage whatever from Sir J. Mackintosh.] He asked the right hon. Gentleman's pardon. He found that the passage had been quoted by the right hon. Gentleman the Member for Wilts (Mr. S. Herbert); but he believed the argument of the right hon. Gentleman the Member for Oxford was founded upon that passage, and therefore he (Mr. Macaulay) wished to refer to it. Sir James said that a variety of rights of suffrage was the first principle of the English constitution; and that a uniformity of qualification must be so high as to exclude the true principle of election, or so low as to be liable to the objections which he offered against universal suffrage. That passage might at first sight appear to favour the views of the right hon. Gentleman the Member for Oxford; but it must be remembered that Sir J. Mackintosh was writing of the English Parliamentary constitution as it existed before 1832—before the passing of the Reform Bill. He wrote at a time when hon. Members of that House were returned by towns having diverse franchises and suffrages — when Members were returned for Coventry by persons who had served seven years' apprenticeship, for Preston by potwallopers, and for other places by burgage tenants, and voters possessing different franchises. Sir J. Mackintosh was not writing of the state of things introduced by the party of the noble Lord in 1832, when these diverse franchises and this variety of suffrage were abolished. He looked upon the present Bill as an attempt to redress the uniformity established by the Bill of 1832, instead of being—as was argued on the other side—a step in the other direction. Let them see whether the principle of the measure now before them was not to redress uniformity. What was the main principle of the Bill? That in all constituencies there should be, or there might be, voters who were qualified as owners of fixed property; that in every constituency there should be voters obtaining their qualification by mere occupation; and that in every constituency the suffrage should be conferred on other residents, not householders, who should obtain the franchise for personal qualifications which might be testimonies of their personal worth. As they could not go back to the old system and establish divers suffrages in divers towns possessing divers rights, it was proposed by this Bill, as the next best thing in such a contingency, to introduce a happy variety of interests and qualifications. He was surprised to hear hon. Members talk of the Bill as one establishing uniformity of suffrage instead of being an attempt to redress the system of uniformity introduced by the noble Lord (Lord John Russell) and his colleagues in 1832. Hon. Members had been betrayed into that mistake by the term "identity of suffrage," which was tortured into possessing a constitutional meaning which it did not bear; for though identity of suffrage was a feature of the Bill, uniformity of suffrage was not to be found in it. The success of the vote given by the two sections of the Opposition on a former occasion, unaccompanied by the other qualifications proposed by this measure, would have been to establish that same uniformity which the opponents of the Bill now seemed to deprecate. There were two points of the Bill specially laid hold of. One was the manner in which the Bill dealt with the borough freeholds, and doubtless for electioneering purposes it had been attempted to create prejudices against that part of the Bill. He could understand the jealousy with which the noble Lord the Member for London regarded any Reform Bill introduced by any other person but himself; but he was at a loss to comprehend that studied obliquity of vision which almost every one on the other side had exhibited who addressed himself to this part of the measure. He maintained that the principle of this part of the Bill was a sound one, although he would support all the details by which it was to be carried out. That principle simply was, that the owner of fixed property in a borough town might qualify himself to be registered as a voter of that town. Now he had not heard in the course of the debate any practical reason given against the justice and propriety of that principle. This point appeared to be argued as if there were no freeholds in boroughs except the 40*s.* rent charges which were effected generally by land societies and persons engaged in the interest of the Whig party. It was said how hard it would be to disfranchise such persons without giving them any notice or compensation. His hon. Friend the Member for South Leicestershire (Mr. Packe) had not as yet been answered when he called attention to this point in connection with recent legislation. That hon. Gentleman reminded the House that this fixed property in boroughs was no longer subject to county rates. No doubt it was subject to a borough rate, which was in effect a local taxation, and the question was, where was the alleged injustice of allowing the owner of fixed property to qualify himself, if he pleases, to vote for the borough? The right hon. Gentleman the Member for Coventry called it confiscation. How was this subject of freeholds treated in the Reform Bill of 1832? By that Bill all close boroughs were opened; all popular boroughs had new qualifications given to them. Take the case of a gentleman living on his own freehold in Pall Mall or St. James's Street, with his £300 or £500 a year. Previous to 1832 such a person was an important freeholder for Middlesex, and by reason of his being a scot and lot ratepayer in Westminster he had also a vote for that city, but by the operation of the Reform Bill he ceased to be a freeholder of Middlesex and was limited to his vote for Westminster. Then take the case of Finsbury, which was created a Parliamentary borough in 1832. Was the occupying freeholder there asked whether he objected to lose his vote for the county and to be made instead a constituent of Finsbury. Thus, in the first case the Bill of 1832 destroyed one of two votes possessed by the freeholder, while in the other it took from him what he had and gave him what he never asked for. Remembering this, he did not see with what face the noble Lord, as one of the authors of the Reform Bill, could complain of the present measure. The House had been told of a freeholder, a descendant of the trooper who carried the body of William Rufus into Winchester. This man, it was contended, should remain a monument of the forbearance of the British Legislature. But, supposing that he lived on his freehold within the boundaries of a borough, and that next year the borough franchise were reduced, he would by operation of law become a voter only in the town in which his freehold was situated. The abstract right of Parliament to deal with the borough freeholder could not be denied. It had been exercised, as he had shown, in 1832, and he could see no objection to the principle of the present proposal for including them, if they pleased, in the borough representation, and of giving them votes for the places in which they resided, and in which their interests manifestly lay. But there was another class of borough freeholders to which he was greatly opposed —he meant that class of borough freeholders whose existence was an opprobrium on the Parliamentary constitution of the country—the owners of those rent-charges that were bought within the boroughs because they were easy of acquisition. He wished to say a few words upon that, in which perhaps a more substantial interest was felt by hon. Members opposite, namely, the extension of the borough franchise. It had been said that since 1832 there had taken place a great increase of respectable and well qualified persons who, by their independence, intelligence, and industry, ought to be admitted into the constituent body of the country. That was admitted on all sides. The only difference was as to the mode in which that which was the universal object of desire should be carried into effect. Now, the principle of the Government measure he took to be the admission of an increased number of persons to the exercise of the franchise by a process of selection. The principle contended for by the supporters of the Resolution on the other hand was the admission into the constituent body of large and unknown masses, with the hope and chance that they would include those persons so frequently described in these debates. The noble Lord the Member for London in fact made no claim on behalf of a single artisan or working man, unless he happened to live within a represented borough. The question raised by the Opposition was, that they wished to extend the franchise to the working classes, who were defined by the hon. Member for Birmingham as the persons who lived by weekly or quarterly wages. How did the Government Bill propose to deal with that class, and how did the argument on the other side of the House propose to deal with it? Before they were asked to affirm a Resolution which was to disaffirm the principle of the Bill, hon. Gentlemen were bound to show that such principle was vicious, and that the Resolution affirmed some other and better principle. The noble Lord the Member for the City of London seemed to admit to some extent the principle of selection, because he had said that for certain reasons he would not go with those who were for manhood suffrage. Before a man could be allowed to enter a jury-box they exacted from him a very considerable and substantial property qualification. Was the noble Lord prepared to lower the qualification of a juryman? He (Mr. Macaulay) apprehended not—and he thought that a party who was to exercise the important function of electing a member to Parliament ought also to be subjected to some test which might be fulfilled by all men of adequate industry and intelligence. The principle of the Bill, he should repeat, was one of selection. It established a test of the existence of thrift and prudence in the case of those whom it would admit to the exercise of the franchise, and thus would afford in some degree a just measure of their fitness to be entrusted with that privilege. Let the test be improved upon to any extent—but they ought not to disaffirm the principle of the Bill unless they were prepared to do so by the application of another principle of a different character. Having said thus much with respect to the principle of the Bill, he might be permitted to make a few comments upon what had fallen from its opponents in reference to the position of the Government by whom it was introduced. It was said with much assumption of superiority that the Government was in a minority, and that they had therefore no right to meddle with the question of Reform. Now, even admitting it to be the fact that Government were in a minority, he should like to know what other section was there in the House to which the same statement might not with justice be applied? What one of the two or three sections he should like to know which occupied the Opposition benches, both below and above the gangway, was equal in point of numbers to the supporters of the existing Administration? The assumption that there was a majority on the other side of the House appeared to him, in short, to be a piece of mere affectation. There was no coherence among hon. Members opposite. It was a matter of notoriety that they were divided into at least three different parties, having no principles in common even on the subject of Reform. One of those parties followed the noble Lord the Member for London, another was supposed to have confidence in the hon. Member for Birmingham, while a third acknowledged the noble Viscount the Member for Tiverton as its leader—and with respect to that noble Viscount he might observe, that it had not been supposed until very recently that he was over anxious to lower the electoral qualification. The fact was that no majority which the noble Lord might obtain for his Resolution would be found to possess any cohesion either on that or any other subject. It had been urged from various quarters and on various grounds that some course ought to be taken by the Government to bring the question of Reform to a settlement. The noble Lord (Viscount Palmerston) had said, in his peculiar manner, that he would "compel" the Government to a settlement. He (Mr. Macaulay) wished to know what settlement could be expected or hoped for so long as the hon. Member for Birmingham (Mr. Bright), and the party who acted with him, disavowed none of the principles and promises of action that they had uttered outside the House. Not one word had fallen from the hon. Gentleman from which it could be inferred that he differed in the smallest degree from the noble Lord. Imputations of motive had been freely made by hon. Gentlemen opposite. But surely there must exist some motive for the extraordinary demeanour displayed by the hon. Gentleman (Mr. Bright) towards the noble Lord, for he had thanked the noble Lord for the great courtesies exhibited by him towards the people of England. Whether that was a return for courtesies received from the noble Lord he was unable to say, nor could he say whether the hon. Gentleman spoke in the spirit of a well-known passage—

> "Fair Sir, you spit on me on Wednesday last;
> You spurned me such a day; another time
> You called me dog; and for these courtesies
> I'll lend you this much money."

At all events, until explained, the whole thing was a mystery. The anomaly was evident. Apparently the noble Lord and the hon. Member for Birmingham held similar opinions. It was, however, known that the hon. Member for Birmingham had promised his adherents that any Bill such as that shadowed forth by the noble Viscount, or even such as that indicated by the more advanced Liberals and the noble Lord should be rejected by him as being a contumely and an insult upon the people of England. He had told them to beware of any extension of the existing constituencies unless they had vote by ballot and a large redistribution of seats. Therefore a large numerical portion of the Opposition voting for the Resolution of the noble Lord the Member for the City of London were about to vote under the influence of some hidden motive. At all events, it was an avowal that any attempt at such a settlement as that spoken of would not only be unsuccessful, but would be the signal for a dangerous agitation. Therefore, whatever course hon. Members might ultimately adopt, he (Mr. Macaulay) hoped they would not entertain the vain hope that by voting in favour of the Resolution they would be likely to soften the asperity of the hon. Member for Birmingham towards either the existing or proposed measures for the amendment of the constitution. He (Mr. Macaulay) begged the House to keep in mind what was the real principle of the Bill under consideration, namely, that the owner of a fixed property in the boroughs should be entitled to clothe himself with a borough vote in respect of that property. It had been said that in 1832 great changes were made expressly with a view to the probable effect they would have on elections. The colour given by the right hon. Member for Coventry (Mr. Ellice) to the refusal of Earl Grey, the Prime Minister of that day, to allow borough property to qualify for borough votes was, that he did it on the very ground that the possessor of that property would probably vote in the Liberal interest at the county elections. Such was the motive assigned to Earl Grey. But the right hon. Member for Coventry had also said that those who now desired the borough freeholder to be able to qualify for the borough were desirous of extracting the Liberal element from the county, and of imposing a Conservative element on the boroughs. Such was the argument, that withdrawing the votes of owners of borough property from the counties withdrew from the constituencies of the counties the purest and most independent element; and then that allowing those borough freeholders to vote for the boroughs had the effect of swamping the boroughs with landlord interests and influence. Hon. Gentlemen opposite might take the argument any way they pleased; it was perfectly immaterial; but its inconsistency was complete. He (Mr. Macaulay) did not believe that the owners of borough property entertained such sentiments. He should give a very clear vote both against the Resolution and for the second reading of the Bill. And he thought that he should be able to give his vote with considerable advantage over hon. Gentlemen opposite, inasmuch as he knew what he was voting for and against, whilst they would not know what they were voting for.

MR. MELLOR said, he must congratulate the Ministry on having found an hon. Member to say something in favour of their Bill. The address of his hon. and learned Friend had at least one value—it furnished a striking example of the ease with which arguments might be demolished if it were left to a speaker to state what the arguments of his opponents are. His (Mr. Mellor's) great objection to the Bill was that it introduced non-resident voters to vote in boroughs, for the purpose of swamping the constituencies who resided in those boroughs, and at the same time disfranchised the freeholders resident in boroughs in respect of their right to vote for counties, and so reducing counties to the condition of nomination boroughs. These objectionable points of the measure had been introduced for the first time, were opposed to the constitution of the country, but had been introduced for the purpose of securing the counties. The Government had adopted a course peculiar and significant. They had introduced a Bill which they did not intend to defend. But, in his opinion, when a Government brought in a Bill like this, they ought to defend it in its integrity, and not say, "Let us go into Committee, and there we will settle what alterations you please." Upon such an invitation he should refuse to go into Committee, and therefore he should vote for the Resolution. There was one thing he wished to protest against, and that was the imputations thrown out against that (the Opposition) side of the House, of a want of unanimity on this question. Was a want of unanimity confined to that side of the House? He could only find on the other side a unanimity of condemnation of the Government Bill. He was rather surprised last night to hear the First Lord of the Admiralty speak of the "Cardwell plot;" he wished to carry that right hon. Gentleman's memory back to what took place in February last year, when there was a vote in which the right hon. Gentleman joined, and which, if ever there was a vote that ought to be called factious, that vote was. He (Mr. Mellor) came down to the House on that occasion with a determination of voting against the Conspiracy to Murder Bill. His first impression was opposed to that Bill; but he listened to the speeches of hon. Gentlemen who now sat on the Ministerial side of the House; he heard the right hon. Gentleman the Chancellor of the Exchequer and the present Lord Chancellor of Ireland argue the question. The Government were prepared to abide by that Bill in its integrity, and were supported in it by the Conservative party; and yet what was the course adopted by hon. Gentlemen who now sat on the Ministerial benches? To his surprise, within one week after their vote on the introduction of that Bill, he found them turning round upon the Bill which they themselves had supported, in favour of the Amendment of the right hon. Gentleman the Member for Ashton (Mr. M. Gibson). It was true that the hon. Member for North Warwickshire (Mr. Spooner) and fourteen or fifteen other hon. Gentlemen had the courage to stand up and declare that they would not, to please any Government, vote that black was white and white was black. He (Mr. Mellor) believed that the Resolution was not only convenient in form, but one which, if the Government were sincere in their invitations to the House to go into Committee on the Bill, contained nothing to destroy their Bill; but, on the contrary, the Government might, if they chose, go on with their Bill, which contained several points which he should desire to vote for. He thought the Chancellor of the Exchequer would very much deceive himself if he imagined that it was the wish of hon. Gentlemen on that (the Opposition) side of the House to upset the Government, but, in the absence of any plainer assurance of what were the intentions of the Government, he should vote for the Resolution, the effect of which he hoped would be—not to upset the Government, but to enable them to remove the objections to the Bill, and to settle this great question of Reform. They were told that the Government must either resign, or dissolve, or withdraw their Bill. He believed that no hon. Member of Parliament looked to a dissolution with any feeling of satisfaction; and he would conclude by reading an extract from Clarendon, which was quoted by the noble Earl now at the head of the Government in the discussion on the Reform Bill of 1832. Clarendon wrote:—

> "After the dissolution of the first Parliament, and when the King was again obliged to summon a new one, there was observed a marvellous change in the countenances of many Members since they met before in the House; and some men who, six months before, were of very moderate tempers, now talked in another style of things and persons, and said they must be now of another temper than they were in the last Parliament."

MR. HARDY said, he regretted to find that, after the long experience the country had had of the benefits of the great Reform Act of the year 1832, his hon. and learned Friend the Member for Yarmouth (Mr. Mellor) should think that at the present moment our public difficulties were so great, and our condition so unfortunate, that an appeal to the people would endanger the stability of our national institutions. For his part he certainly did not entertain any such apprehension. He believed, on the contrary, that there never was a period when, if the House were so disposed, they could proceed with greater freedom than at present from any external pressure to effect a satisfactory settlement of that question of Parliamentary Reform. He knew that great differences of opinion must arise among them in reference to such a subject; and it would be unreasonable to expect complete unison of sentiment in that House. Even upon a matter of very inferior importance, a Bill would be received with very varying amounts of censure or of approbation. Nevertheless upon such a question as that of Parliamentary Reform, it was no discredit to a Ministry that their proposal should be productive of considerable discussion, or that they should ask the Opposition to unite themselves with them in the endeavour to alter it in a manner satisfactory to the House and the country. But the Bill had been scarcely laid on the table when the noble Lord the Member for London rose, and, with that skill which he had ever shown in party tactics, gave it the nickname of a measure of disfranchisement —a nickname by which on no ground it deserved to be designated. It had been said the noble Lord had a vested interest in this subject; and if on this occasion he had brought that wisdom and discretion which he had shown on so many others to bear on the Bill under consideration, he (Mr. Hardy) could assure him there would have been no indisposition on that (the Ministerial) side of the House to listen to any suggestions he might have felt it his duty to make. But when the noble Lord brought forward a Resolution which showed an unmitigated hostility to the measure, when he defended that Resolution in a speech which left no doubt as to the course which he wished to pursue, when he told them in terms that the Bill was so obnoxious that he could not entertain any part of it, and when the right hon. Gentleman the Member for Wiltshire declared that he would not be nice as to the weapon with which he would destroy such a Bill, then it would be idle for the Government to expect any forbearance from those who had made up their minds to its complete and contemptuous rejection. It was always said that persons who came into court ought to do so with clean hands, and when the noble Lord talked of disfranchisement he (Mr, Hardy) would ask, who sought to protect from disfranchisement that portion of the electoral body whom his Bill of 1832 doomed to that fate? who preserved to Coventry the constituency of which the right hon. Gentleman opposite (Mr. Ellice) was so proud? Was it not from them that the proposal had emanated in the year 1832 to destroy the scot and lot voters, the freemen, and other electors, who were almost exclusively persons of the humbler class in life? Again, was not that proposal resisted by those who represented the party on whom the Government of the country now devolved, and that party was still ready, as they had ever been, to maintain the rights of the working classes in all their integrity. Nor should it be forgotten that with the assent of the noble Lord 250,000 of the Irish freeholders were disfranchised in one swoop. The Bill of the noble Lord in 1854, would have deprived voters of the right to give more than two votes at any county election, and would so far have disfranchised those county electors who had at present three votes. It was not his (Mr. Hardy's) intention to discuss the question of the propriety of giving a right of representation to minorities. That was a subject fairly open to consideration. But the noble Lord would no doubt think that it would be an unworthy artifice on the part of any of his opponents to move, on the second reading of his measure, a Resolution to the effect that the House would not assent to a scheme which, by affording the privilege of representation to minorities would disfranchise any existing class of voters. That, however, was one of the arguments which the hon. Member for Birmingham had actually advanced at the time against the proposal of the noble Lord and thus the noble Lord spoke of it. Though that Bill (of 1854) made a very extensive change, the hon. Member for Birmingham fixed on that part of it relating to minorities as one very obnoxious to him, and denounced it as a trick. What I thought a very fair proposition he seemed to regard as an artifice, and this may be taken as a sample of the kind of objections to which any Bill that may be introduced is liable. It was indeed no easy task to bring forward a Reform Bill, because it would necessarily be very difficult for any hon. Member to get rid upon such a question of that party feeling which prevailed on each side of the House. He for one should never be inclined to find fault with those who acted in unison with their party, so long as they did not thereby violate any principle which they felt they were bound conscientiously to maintain; and he should always be ready to give up his own opinions upon mere matters of detail for the purpose of maintaining what he regarded as the essential requisite in public life of party organization. The Bill of 1854 never was submitted to a second reading, and the hon. Member for Birmingham never had an opportunity of moving a Resolution with regard to it. If he had, he (Mr. Hardy) would venture to say that the hon. Member would manfully have met the Bill in its entirety, and would have explained his objections in his speech, instead of in such a Resolution as that of the noble Lord, which he was prepared to show did not explain his objections at all. The Resolution did indeed say that there were certain points in the Bill to which the noble Lord had objections, but it did not say on what ground those objections rested, or on what basis he was prepared to extend the suffrage. They were told by the hon. Member for Devonport (Mr. Wilson), that the Bill was of such a retrograde character it was impossible for him to give it his support, and on the other hand the right hon. Baronet the Member for Carlisle had said that the Bill was of such a dangerously democratic character that he would do anything — he would even have recourse to the rating franchise, supported by the hon. Member for Birmingham, to get rid of it. The right hon. Gentleman told them that this Bill would increase the democratic power in such a manner that he was afraid even his strong feelings against the ballot would give way under the pressure that would then be brought to bear upon him. [Sir JAMES GRAHAM: No, no.] Well, he was very glad to find that in fighting the battle of the Ballot—and fight it they must soon—the Conservative party would have the support of such a stalwart champion as the right hon. Baronet, who had thus pledged himself that he would never abandon this principle. With respect to the £10 franchise in counties, he approached that question with some hesitation, and he was sure he should have the sympathies of the House with him when he stated the reason. For a full year past it had been his pride to act in the same department with the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), and he thought he might say, without fear of contradiction in that House, that to find oneself continually in the habit of transacting business with a man of his chivalrous honour, his frank and bland manners, his courteous disposition, his readiness on all occasions to give credit to you and to take blame to himself, was calculated to raise warm feelings of friendship, and that the regard which the right hon. Gentleman had always shown him caused him to feel the greatest pain in differing from his right hon. Friend. He must confess, however, he could not arrive at the same conclusions as his right hon. Friend had done. He could not see the difference in principle which his right hon. Friend endeavoured to establish between a £20 and a £10 occupancy franchise in counties. To reduce the franchise from £50 to £20 which his right hon. Friend was willing to do, was such an important step, that if they were right in doing that, no principle was involved in their going further and reducing it to £10. It was true his right hon. Friend placed his proposition on the basis of direct taxation, and argued that as the house tax stopped at houses of £20 rent, it would form a good resting point for the county franchise. But why should they make payment of the house tax a test in counties, and not apply it in boroughs. The right hon. Gentleman was afraid that if they went below £20 in the counties there would be an inducement given to one large class to throw the burden of taxation upon their neighbours. Yet, strange to say, in the boroughs, where the greatest amount of electoral power was vested, and where, consequently, there would be the greatest danger of an undue shifting of taxation, the right hon. Gentleman proposed to lower the franchise below £10. But if the argument of his right hon. Friend was good for anything, it ought to induce him to raise the franchise in the boroughs. It was not, however, to be expected that hon. Gentlemen would follow out their principles with logical accuracy; because they had to deal practically with an existing system which could not be squared with any mere theoretical notions. He came next to a principle on which many hon. Gentlemen had dwelt at great length—the principle of uniformity of the franchise. Now, he believed that it was as impossible to establish a uniformity of franchise, as it was to establish a uniformity between boroughs and counties. As long as trade and commerce were carried on in boroughs and agriculture in counties, the franchise, though nominally equalized in amount, would in reality vary, and would produce different kinds of constituencies, and different classes of representatives. The noble Lord the Member for London took that ground, when the other year he supported the Motion of the hon. Member for East Surrey. He contended that the £10 occupiers in the counties were a different and superior class from the £10 occupiers in boroughs; and he might remind the House that the hon. Member for East Surrey (Mr. Locke King) himself, when he brought forward his Bill, never spoke of it as a uniformity of franchise, but always as an assimilation. That must always be so. No amount of assimilation would ever destroy that practical distinction between the two sets of constituencies arising from the difference in their localities and their pursuits. In fact, whatever arrangements they made, the constituencies of the country could not be cut down to any other than an imaginary uniformity. He came next to the question of electoral districts. The noble Viscount the Member for Tiverton told them that this Bill did not lead to, but that it actually established, electoral districts. Now, if by electoral districts the noble Viscount meant districts where a person was elected, no doubt this Bill would create them. But if he intended to refer to the parcelling the kingdom into electoral districts numerically equal in point of population, property or votes, that was the very point which was sedulously guarded against in the Bill by keeping up the distinction of boroughs and counties. The Bill respected local rights and institutions, keeping together those who were now associated by common habits, sympathies, and avocations. He was sorry to say that it did interfere to some extent with the borough which he had the honour to represent, by depriving it of one of its representatives; but he would not hesitate to go down to his constituents and say that it was necessary that the great towns which were now unrepresented should have Members, and that the only fair and just mode of supplying them was by taking one Member from those boroughs which were lowest in the scale of population and rateable property. He came then to the second part of the Resolution of the noble Lord, the extension of the franchise in boroughs. He could not help remarking here that the Resolution did not speak of lowering the franchise, but with a view to spread his net as wide as possible the noble Lord only spoke of further extending it. In his speech, indeed, though not in his Resolution, the noble Lord did speak of lowering the franchise so as to admit the working classes; but how far he was disposed to go in that process was carefully kept in obscurity. Thus they had no means of ascertaining what proportion of the working classes, whose claims had been put forward in such glowing colours, were to be enfranchised by the noble Lord's proposal. This was a point well worthy the attention of the metropolitan members. There had been many meetings held in the metropolis on the subject of the franchise, and many petitions had been presented in this House. He observed the hon. Member for Westminster (Sir John Shelley,) taking a keen interest in this subject—not by his speaking, indeed, but by the eager interest he was taking in the speeches of others; he would ask the hon. Member, had he ever considered how a lowering of the franchise would affect his constituents? He cheered a sentiment in the speech of an hon. Member last night who proposed an £8 or £6 rent as a good franchise. What effect would that have upon the metropolitan constituencies? Why, over the whole metropolis the houses rated at £10 and upwards amounted to 80 per cent of the whole. Did the hon. and learned Member for Marylebone (Mr. E. James) who had spoken so strongly against this Bill and in favour of a large extension of the franchise, know that any such extension, even though it amounted to rating suffrage itself, would add only one per cent to the number of houses already conferring votes in his own borough? The occupiers of 99 per cent of the dwellings in Marylebone were at present represented. The honest artisans of Marylebone almost to a man lived in Lodgings and belonged to that "fluctuating class" which some ardent friends of popular rights seemed so anxious to exclude from the suffrage, and against which the right hon. Member for Carlisle had spoken with so much vehemence last night. In the City of London over 90 per cent of the houses were of the value of £10, and therefore conferred the franchise. In Westminster the £10 houses were 90 per cent of the whole number, in Finsbury they were 88 per cent, in Lambeth 75 per cent, and in the poorer boroughs of Southwark and Tower Hamlets 59 and 52 per cent respectively. Why then had not some of the metropolitan Members, who professed to advocate a moderate Reform, got up at the numerous meetings which had been held, and told their constituents, who called out so loudly for that rating suffrage which the hon. Member for Birmingham thought a panacea for all their ills, that such a concession would do the working classes no good, seeing that the great bulk of the existing householders were already represented? At almost all the metropolitan meetings which had taken place, manhood suffrage had been asked for; and yet, with the single exception of the hon. and gallant Admiral the Member for Southwark (Sir Charles Napier) none of the metropolitan Members had had the courage to rise and disavow those extreme doctrines, but by their silence had made themselves parties to them. A noble and learned Lord (Lord Brougham), in 1832, said of the Radical Reformers of that time, who professed such zeal for the poorer classes that they reminded him of another well-known intriguer some eighteen centuries ago, who asked on a certain occasion, "Why was not this ointment sold for 300 pence, and given to the poor? Not that he cared for the poor, but because he was a thief." [An Hon. MEMBER: "And carried the bag."] That was the manner in which the noble and learned Lord treated the radical Reformers of that day as pretenders only to a special interest in the poorer or working classes. He believed the Bill gave them a basis on which they might fairly go into the consideration of it to the advantage of the country. He was extremely sorry, therefore, that anything had been interposed to prevent the settlement of the question. The Government had attempted to settle it in a certain way. The various franchises proposed admitted all those who were entitled to them by their intelligence, industry, and frugality, through qualifications they could only attain by the means provided in the Bill. They could not be admitted by household suffrage, and in the metropolis they must invent some other means. The Government tried to do it by the lodging qualification; but that was the part of the Bill to which the right hon. Member for Carlisle had the strongest objection. They tried to do it by the savings' bank clause; but the same right hon. Gentleman said, "We have no more right to inquire into the amount of the deposits in savings' banks than into any other banking accounts." But the savings' banks were public institutions giving certain facilities, based on Government securities; and in his opinion, when the object of that inquiry was for the purpose of conferring upon him the privilege of a vote, the Government would have the most perfect right to inquire. It had been shown by the noble Lord the Member for Haddingtonshire (Lord Elcho) how large a number of additional votes would be given to Newcastle by the creation of that franchise; while the hon. Gentleman the Member for Marylebone told them that it was stated that about 15,000 in that borough would be admitted in consequence of the creation of the new franchises. They had endeavoured to admit the higher, more instructed, and more intelligent class of artisans; but they had found the difficulty was so great, and that there were so many views upon the question, that it was only natural that hon. Gentlemen should get up one after another to express some objection to the details of the measure. It was said by the right hon. Member for South Wilts, and he believed it, that there were many hon. Members pledged to no party, bound by no ties, who were inclined to support a moderate measure. He must say, however, that he was sorry to find that the moderation which prevailed upon this subject privately did not prevent hon. Gentlemen from expressing the strongest opinion against the Bill publicly. Many of those Members would be inclined to support the Bill with a view of amending its details; many would, perhaps, absent themselves, or not vote against the Resolution, which seemed to be framed to extricate those hon. Gentlemen from a difficulty. It might do so; they might not be able to oppose a Resolution that pledged them to an extension of the suffrage, though it did not say to what extent. But in what a difficulty would that vote place them hereafter, when a measure might be brought in by some of the hon. Gentlemen now sitting below the gangway! He would not say there was a compact between the noble Viscount the Member for Tiverton the noble Lord the Member for the City of London, and the hon. Member for Birmingham, but he did say that each section of those who supported the Resolution had very different objects in view, and were glad to combine on a Resolution that pledged them to nothing. He would not speak of the hon. Member for Birmingham (Mr. Bright), who was not in his place, in the manner he should have done had he been present. He did not say it merely because he "was tired of hearing Aristides called the Just," but because he was weary of hearing the hon. Member, while condemned for his opinions, untruly spoken of as having dealt fairly and in an honest spirit with the institutions and aristocracy of the country. The hon. Gentleman might deceive himself; but was he doing so when he told them that the aristocracy divided among them £70,000,000 a year, and used the funds of the country for the purpose of providing for their younger sons? The hon. Gentleman might have such distorted views with respect to the aristocracy that he might himself believe that statement, but he (Mr. Hardy) would venture to say that the hon. Gentleman would not repeat it in that House. The hon. Gentleman opposed the Bill and supported the Resolution, on real and tangible grounds, because he wished to bide his time. When the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) spoke of the great statesmen who still remained among us, and who took part in the passing of the Reform Bill, nobody in the House could have failed to see the sneer on the face of the hon. Member for Birmingham, nor could anybody doubt that he looked forward to the time when they would be swept away, and those who represented his own principles and feelings would occupy the seats of the present Government. Rightly did he wish to "'bide his time;" he had tried to rouse the country and he had failed. He had had an abundance of auditors, but had found few adherents. Who, from any party in that House, had been found by his side in the meetings he had attended? Who had endorsed his sentiments? Who else had been found to say that we should fetch our institutions from America, as we fetch our horse-tamers? He had put himself forward as the man prepared to destroy the institutions that had made the country great, that had made the House of Commons what it was, distinguished by a fairness, an uprightness, and a desire to arrive at just conclusions, that had never been obtained in America, which he so praised, and never would be obtained under the institutions he so strongly advocated. He wished to "'bide his time;" he did not wish this Bill to be carried, for reasons he revealed in his moderate speech, a speech the moderation of which ought to warn all moderate men. The hon. Gentleman was moderate with a deep and earnest purpose; he had not given up the hope of carrying out, at no distant date, the views he entertained. The hon. Gentleman did not wish a moderate Bill to pass. He would rather wait for five years, and the ground of his objection to what was called the uniformity of franchise was not to the thing itself, but because it would increase the difficulty of lowering hereafter the franchise in boroughs. That admission ought to be a warning to those who were about to go into the same lobby with that hon. Gentle man in the hope that they would hereafter, with the support of hon. Members on that (the Ministerial) side of the House, be able to resist the measures which he would put forward when the time came. The hon. Gentleman spoke of five years hence, but no one could tell what might have happened within that time, what might then be the state of commerce or of agriculture, or what excitable passions or irritated feelings there might then be to appeal to, but the hon. Member for Birmingham would in such case use the distress of his country which should be an occasion for calm advice and deep sorrow as a means of agitating the masses of the people and destroying the influence of those who now enjoyed it. With regard to the extension of the suffrage, his right hon. Friend the Member for Kidderminster (Mr. Lowe), in a speech to his constituents, the manliness and straightforwardness of which he wished that others would imitate, said:—

> "I should be extremely glad if I could devise any means by which the intelligence and property of the working class should be represented together with the property and intelligence of other classes; but do not misunderstand me. I tell you frankly that I have no such means. You can easily enough have a household or a manhood suffrage, but if you were to give either one or the other to the working classes, you would not be giving a representation of the property and intelligence of the working classes side by side with the property and intelligence of other classes, but you would be swamping the other classes, and giving the representation wholly and entirely to the working classes."

That speech was in accordance with his (Mr. Hardy's) sentiments, and he hoped that the right hon. Gentleman would, before the debate closed, take the opportunity of saying whether, having expressed such sentiments, he could now vote for the Resolution of the noble Lord, which was founded on directly contrary principles. The noble Lord stated that it was with the view of admitting the working classes that he advocated the retention of the suffrage by the 40*s.* freeholders; but it was notorious that in many instances what the 40*s.* freeholders most desired was a vote in the borough in preference to one in the county. He (Mr. Hardy) remembered many years ago, when he hoped to obtain a seat in the House, or rather when others wished him to do so, he stood for Bradford, and canvassed that borough, and he found sometimes that he had got into a wrong house, the owner of which was a freeholder, with a vote for the county instead of the borough; and he was met with this observation: "I wish I had a vote for the borough. My interests are all in the borough, and that is the place where I should like to exercise my franchise." And was it not natural? Was there anything unreasonable in entertaining such a wish? He saw hon. Members sitting there for Haverfordwest, Nottingham, Bristol, and Exeter. Now in all those boroughs and cities, simply because they were called counties of cities or boroughs, the freeholders had the franchise, and, mixed up with the occupiers, voted together for their respective cities or boroughs. If that were so bad a thing, how was it that they allowed it to continue? If it were so objectionable to blend the freeholder with the occupier in those cases, why did they not at the time of the Reform Bill invest those persons with their rights only for life and admit their successors for the county by which they were surrounded. If they were to extend the franchise in counties to occupiers, and allow £10 occupiers to exercise the enormous weight which thenceforth they must exercise in counties, and if that was to be steadied by the power of the property in those counties, which was not fluctuating and was supposed to be Conservative, why did they not adopt the same principle with the fluctuating constituencies in boroughs, by admitting the freeholder to vote there? Nor could anything be more reasonable. If he occupied his own house in London, worth £300 or £400 a year, he had a borough vote as occupier; whilst if he let it he was at once driven to vote, whether he liked it or not, in the county of Middlesex. Again, if there were two persons with different houses, the one a £20 and the other a £10 house, and by some accident each was the landlord of the other, what a curious state of things would result? The man who rented the £10 house would vote as occupier and tenant, he also would vote for the other house in respect of his rights as a freeholder; but if they put him into his own house, his two votes would be absorbed at once; and though he was the occupier of a more highly rented house and possessor of the same property as before, he was only allowed to use one franchise. Why, there were whole streets in some boroughs containing nothing but £5 and £6 houses, the owners of which were now unrepresented, and not allowed to exercise the slightest right of voting at the elections for the boroughs. They could not obtain influence through the tenants because they were under £10. They could not vote on their own account, because they are freeholders and must vote for the counties. Their influence was lost, and yet at the same moment the House passed laws, like the public health and other Acts, in which they felt that justice required that those owners of property should be represented, and they allowed them to vote on questions which concerned those towns such as improvements and expenditure, because it was upon them that the expenditure fell. To give such men the right of voting where their property was situated, then, was not disfranchisement. It was simply giving them their rights where their interests were most affected and their votes where they ought to be exercised. With respect to the leaseholds and copyholds, which were proposed to be reduced from £10 to £5 by the Bill, he believed that that part of the measure would make an enormous addition to the constituencies.

He came now to that which had been much dwelt upon in the debate, and, to a certain extent, been misrepresented. He alluded to the interpretation which had been put upon the words which fell from his hon. and learned Friend the Solicitor General—namely, that they imputed personal or private feelings to the noble Lord the Member for London. He believed that what his hon. and learned Friend meant was this:—The noble Lord had been at the head of a great party. He had had the confidence of that party; but, from circumstances upon which he would not dwell, but which had had their influence upon Members on the opposite side of the House, the noble Lord had of late held an isolated position, and it was a just, a fair, and a legitimate ambition on his part that he should try to resume the place he once occupied as the leader of a great and united party. The noble Lord thought, perhaps, that by means of that Resolution he might bring together the scattered fragments of that party, and combine them once more around him. And it was only in that sense that his hon. and learned Friend spoke on that occasion; not that he meant to imply that the noble Lord had taken the course he had from a love of wealth or anything degrading or disgraceful to himself as a man of honour and a gentleman, but simply that, as a man of ambition and the head of a party, he was making use of those weapons of party warfare which had been used on all sides in this House to restore himself to the position he once occupied. The noble Lord had been gratified in this, at all events, that if he had been attacked he had been also defended; if he had had a spear thrust at him on one side, he had had the shield of a disinterested patriotism held over him by the hon. and learned Member for Marylebone (Mr. James) on the other. What was it the hon. and learned Member for Marylebone said? "Whatever company I go into, and hear the motives, the character, or the intellect of the noble Lord impugned, I always stand forward to defend him." Now, he did not know into what society the hon. and learned Member went, but it seemed as if, when he went into the society of his Radical friends in Marylebone, they did not speak with that respect of the noble Lord which one might have expected from them, because, wherever the hon. and learned Member went, he had to get up and defend the noble Lord; and he said, "Whoever deserts him, I at least will stand true to him." Like James FitzJames in the romance—

> "Come one, come all, this rock shall fly,
> From its firm base as soon as I."

He did not know whether the noble Lord liked the position he occupied cowering beneath that ample shield; but he had certainly found in the hon. and learned Member for Marylebone a vindicator ready to stand by him, and when the noble Lord had reconstructed that great party and brought together those scattered fragments which he was endeavouring to combine he trusted the hon. and learned Member would still be able to defend the noble Lord, and to give him that assistance which his abilities and learning had so well enabled him to supply. He now came to the probable result, as it had been called, of that discussion. It had been assumed that the result of this discussion would be to place the Government in a minority. [Mr. WHITE: Hear, hear!] Of course the hon. Member cheered that. He did not know what was to be the result of the discussion; but this he did know, that it had afforded the Government an opportunity of showing that they had tried to settle that great question. It had afforded them an opportunity of showing that they would not dishonour and degrade themselves by accepting a Resolution which could not be called otherwise than insulting, because it told the Government that the measure they proposed was unjust, impolitic, and unsatisfactory to the House and the country; and although that might not be a matter which the noble Viscount in his genial spirits would suppose they need take much amiss, yet, for his part, he could only say that he would not sit one day longer on that bench after such a vote was carried, if the Government did not think that that vote was a vote of censure. The Government, then, had tried to settle the question, and notwithstanding the advice which had been offered by the noble Viscount opposite, if the Resolution of the noble Lord the Member for London were carried the Bill would be condemned. If that resolution were carried, it would be carried in the spirit of its mover, who said that its intention was to get rid of an obnoxious Bill. If that Resolution were carried, it would be carried in the spirit of the right hon. Member for Wiltshire, and the right hon. Member for Carlisle, who had each of them told the House that they were opposed to the Bill, and would vote against it on the second reading. The right hon. Gentleman the Member for Carlisle said that he would not use the subtlety of disguising from the Government that he had a hand in preparing the Resolution. He must say he recognized the subtlety of the hand in the Resolution—and, much as he respected the candour of the disclosure, it was unnecessary. He trusted that the Gentlemen of whom the right hon. Gentleman the Member for Wiltshire (Mr. Sidney Herbert) spoke "as moderate men bound by no party ties" would consider carefully what they were about to do. If they thought proper to refuse to that Bill the consideration to which it was fairly entitled let them reflect what would be the next step that must ensue. They would have to consider a Bill brought in under different circumstances probably, and by different authors, a Bill brought in under pressure, after an attempt to rouse the passions of the people, and at a time when it could not be considered with calmness or impartiality. It had been said that hon. Members on this side of the House were not earnest in their support of the Bill. Members on this side of the House had, many of them, given way on particular points on matters of detail, and had endeavoured to sacrifice, as far as possible, their individual opinions. They were ready to take a Bill which, whilst it did justice to the people, would not endanger the institutions of the country; but it did not follow from that that they would be prepared to give their assent to the rating suffrage of the hon. Member for Birmingham, or the proposal of vote by ballot and Triennial Parliaments of the hon. Member for Finsbury. The course they had taken on that Bill only showed that they were prepared to consider in a calm and impartial spirit any measure that might be proposed to them. His hon. Friend the Member for Great Yarmouth said they were inconsistent in saying that the Resolution of the noble Lord differed from that of the right hon. Gentleman the Member for Ashton last year. The Motion of last year had nothing whatever to do with the Bill then before the House. It was a separate, independent Motion. It was a Motion which was meant as a censure, and a Motion for which he voted as a censure. He did not vote in respect of the Conspiracy Bill at all; and he could say with respect to that Bill, that whenever the time came for assimilating the law of England and Ireland upon the subject of Conspiracy they would not find that he would disgrace himself by voting against the consideration of the question, and putting the laws in the two countries on a fair footing. But with regard to the Motion now before the House, he was not going to say, in opposition to the highest authority that it was either unparliamentary or irregular. But he did say that it was a precedent which, if followed, might lead to dangerous consequences—and it was because the Resolution of the noble Lord dealt with the details of the measure upon the Motion for a second reading, it was a precedent which he trusted would not be largely followed. He would not say that it would never be followed; but let hon. Members who were going to vote for it remember that they were setting a precedent, and that their excuse for adopting that course, is that they thereby spread the largest net for the purpose of catching the largest number of votes, hoping that they will be able to go to the country with the pretence that they have voted against the Bill simply upon one point, though they were by that means stopping one of the greatest enfranchisements that was ever offered to the country—if hon. Members who formed that moderate section of the House of which the right hon. Gentleman the Member for Wiltshire spoke should take that step, they would be taking a step which might be imitated in a manner fatal to themselves as a party, and most damaging to the interests of the country. The question might have again to be discussed at other times under more unfavourable circumstances, and they would thus be adopting a course which would hereafter drive them to take shelter under the wings of the present occupants of the Treasury benches, to protect them from the rocks and the avalanches which would be hurled down upon them from the back benches of that House.

MR. J. D. FITZGERALD said, that while he acknowledged the eloquence and ability of the hon. Gentleman who had just sat down, he thought there was some parts of his speech which would have been better omitted. He had expected that the hon. Gentleman, when he alluded to the Solicitor General's attack upon the motives that induced the noble Lord the Member for London to propose his Resolution, was about to make a fitting *amende*, but the hon. Gentleman, to his surprise, did no such thing. On the contrary, he seemed to have adopted the advice of the right hon. Gentleman the First Lord of the

Admiralty, who, when commenting on the expressions, said that he thought they would be the better in that House for a little more plain speaking. The hon. and learned Solicitor General seemed to have forgotten that he had accused the noble Lord of having introduced the Amendment for his private advantage, and for purposes of political aggrandisement. He was certainly surprised to hear the right hon. Gentleman the First Lord of the Admiralty admit that he approved of these words. He could have wished that the hon. and learned Solicitor General had observed the rule which had always been acted upon, when offering an explanation the other evening, on which occasion he said that he considered an imputation on a Member as an imputation on the House, and that therefore he explained. The hon. and learned Gentleman (Mr. Hardy) had talked as if the House was met to discuss, not the Government Reform Bill or the Resolution of the noble Lord the Member for the City, but the opinions of the hon. Member for Birmingham. Now, he was not there to defend the principles of the hon. Member for Birmingham; on the contrary, he disapproved many of them; but he would remind the hon. and learned Gentleman that if he and those with whom he acted wished to stem the tide of democracy, and avoid the introduction of American institutions, it was not by obstructing the course of Reform, or by bringing forward a Bill that settled nothing, but by meeting the wishes of the country, and laying on the table a measure which the people could safely accept, that they could accomplish their object. Again, the hon. and learned Gentleman, reiterating a statement originally made by the hon. and learned Attorney General for Ireland, had charged the noble Lord the Member for the City with having been one of those who consented to the disfranchisement of 250,000 Irish 40*s.* freeholders. The hon. and learned Gentleman was entirely in error in that statement, which was not only untrue, but for which there was not the shadow of a foundation. A few words would suffice to explain the real facts of the case. When Sir Robert Peel introduced the Emancipation Bill in 1829, he stated that, in order to provide some security for the Protestant owners of property in Ireland, it would be necessary to regulate the elective franchise, and for that purpose he proposed to disfranchise the 40*s.* freeholders. As soon as the Bill was laid on the table a number of the friends of the Roman Catholics, of whom the noble Lord the Member for the City was one, met to consider its details, and they appointed the late Lord Althorp to wait on Sir Robert Peel to object to some of the provisions of his measure, and, among the rest, to the disfranchisement of the freeholders. The answer of Sir Robert Peel was, "I have obtained the assent of the Sovereign to the Bill; you must accept it as a whole; I cannot alter it." Upon that representation the Bill was passed, and yet they were now told that the noble Lord the Member for the City was chargeable with the disfranchisement of the Irish freeholders. [Mr. HARDY: What I said was that the noble Lord assented to it.] He had no doubt that the hon. and learned Gentleman, who was incapable of wilfully deceiving the House, had been misled by the Attorney General for Ireland, who, in plain and unequivocal language, had stated that the noble Lord was the means of procuring the disfranchisement of the Irish freeholders. He could not understand how the Attorney General had come to make such a statement, for no farther back than last year, when it was proposed to extend the 40*s.* freehold system to Scotland, that right hon. and learned Gentleman represented the facts exactly as he had just described them to the House. But the hon. and learned Gentleman, again following in the footsteps of the Attorney General for Ireland, had made another misstatement with regard to the Irish franchise. He had told the House that there was substantially a uniformity of franchise in Ireland such as the Government now sought to introduce into England. [Mr. HARDY: What I said was that the only franchise in Ireland was an occupation franchise.] The hon. and learned Gentleman was wrong even in that, for, although the main franchise was an occupation one, there were many other franchises in Ireland; indeed, except that the amount of the occupation franchise was lower, and there were no freehold voters, there was little distinction between the franchises of the two countries. But whatever the hon. and learned Gentleman might have said, there could be no doubt that the Attorney General had represented to the House that there was substantially uniformity of franchise in Ireland. In that, however, the right hon. and learned Gentleman was entirely wrong. Throughout the whole of the debate not one hon.

Gentleman, save the occupants of the Treasury benches, had said a word in defence of the Bill; and even the right hon. Member for the University of Oxford had condemned every portion of it, from the preamble to the last letter, with the single exception of the disfranchisement schedule. The right hon. Gentleman had described it as bad in principle, revolutionary in character, and most objectionable in detail, and yet he called upon the House to forget principle, and to vote according to expediency. The right hon. Gentleman said that it was expedient that the question should be settled, and therefore he asked them to support a Bill every principle of which was to be condemned. But he (Mr. FitzGerald) was not prepared to support upon the ground of expediency that which he condemned on principle. Moreover he questioned the expediency; for by adopting a bad Bill they only kept up an agitation which would continue to disturb the constitution, and which, in the end, would force them to undo what they had done, and to pass a measure, perhaps, which might be revolutionary in its character. The right hon. and learned Gentleman opposite (Mr. Whiteside) had described the Resolution proposed by the noble Lord as a "muddy Resolution; but he (Mr. FitzGerald) thought that it was free from subtlety, plain in language, and so true in substance that he was surprised how any person, on the Opposition side of the House at all events, could vote against it. The first branch of the Resolution was admitted by every one, and they had yet to learn whether the Government were determined, at all risks, to oppose the second branch, which related to the extension of the suffrage in boroughs. If they were not prepared to extend the franchise in boroughs, he should vote for the Resolution, even though the effect might be to throw out the Government measure. But he did not see that the carrying of the Resolution necessitated the defeat of the Bill, because the Resolution only pledged the House to the opinion that in considering a measure of reform the true principle was that the 40*s.* freeholders should not be dealt with in the manner proposed by this Bill, and that the franchise in cities and boroughs should be lowered. If the Resolution were carried, he should feel himself at liberty either to support the second reading of a new Bill founded upon it, or to go into Committee upon the present Bill, on a pledge from the Ministry that the principles of the Resolution should be there adopted. If the Government resolutely refused to give that promise and the Resolution were not carried, he should then consider it his duty to vote against the Bill. The Government claimed a great deal of credit for introducing by means of this Bill the £10 franchise into counties; but he denied that that credit was due to them. It was the hon. Member for East Surrey, and not the Government, who was entitled to credit on that account. What the Government had done was by crafty contrivances to defeat the effect of the franchise by transferring the 40*s.* freeholders from the counties to the boroughs, and by affording facilities for fagot votes. Instead of at once going into Committee and struggling there for Amendments to this Bill, which was undefended by any one but the Government, it would be much wiser, in the first instance, to adopt the Resolution of the noble Lord, which at least had the effect of laying down certain principles. Another point to which he wished to call attention was, that up to the present moment the House had not had the slightest indication of what were the intentions of Government with respect to Ireland, and the inference to be drawn was that there was to be no Reform Bill for Ireland. The institutions of Ireland were the same as those of England, and there ought to be a similar measure for both countries. The Irish Members had a right to be informed, before the present debate concluded, whether there was to be a Reform Bill for Ireland, and if so, whether the occupation franchise in counties was to be reduced to £10. This was a matter of vital importance to Irish county Members, the number of whose constituents would be vastly increased by such a change. He also desired to be informed whether the Government proposed to make any alteration in the borough occupation franchise. In conclusion, he would again express his determination to vote for the Resolution of the noble Lord, and with respect to the second reading of the Bill his course would depend on what steps the Government might think fit to take.

MR. DU CANE moved the Adjournment of the debate.

SIR DENHAM NORREYS said, he thought it was only fair to the Irish Members that they should have an opportunity afforded them of expressing their opinions upon this important question. If, however, it was intended that the debate should close on Thursday, it was quite clear that they could not do so. It was quite possible that he himself might be induced to vote against the noble Lord's Resolution. He had frequently endeavoured to catch the Speaker's eye, but was unsuccessful. He thought under such circumstances it was better to adjourn the debate until to-morrow (Wednesday), as he did consider it possible to close the debate on Thursday. He trusted that the House would not prevent the Irish Members from speaking on Thursday.

Mr. LINDSAY said, there were a number of plain men like himself who also desired to speak upon this truly important question. He had vainly endeavoured to catch the Speaker's eye, but of course he had to give way to more important Members. He trusted that men of business, like himself, would have an opportunity of offering their opinions before the debate closed.

Mr. Serjeant DEASY said, he also must protest against the debate being brought to a premature conclusion.

Mr. COLLINS said, he thought it would be quite time enough to decide whether the debate should be adjourned or not on Thursday.

Mr. JOHN LOCKE said, he should be glad to see the debate finished on Thursday, but if those hon. Gentlemen who wished to speak on the question should not have an opportunity on that evening, the right hon. Gentleman the Chancellor of the Exchequer ought to be made aware that those Gentlemen would persevere in their desire to speak, even though he himself might address the House on Thursday night.

Sir JOHN PAKINGTON said, that it would not be convenient to adjourn the debate to Wednesday. In the absence of his right hon. Friend the Chancellor of the Exchequer, he could not give any undertaking to bind his right hon. Friend. The House would do his right hon. Friend the justice to admit that he had shown no disposition unduly to cut short the debate. If on Thursday it appeared that there were still many hon. Members to speak, he had no doubt his right hon. Friend would endeavour, as he had done, to meet the wishes of the House.

Lord JOHN RUSSELL said, he thought that the right hon. Gentleman the Chancellor of the Exchequer had shown a fair desire to meet the wishes of the House. When the right hon. Gentleman in the early part of the evening spoke of an arrangement to conclude on Thursday, there seemed to be a general impression in favour of that arrangement. But on Thursday there would be an opportunity of judging as to the number of hon. Members still desirous to speak on this subject. It was, no doubt, an important one, and one on which hon. Members might naturally desire to address the House. He thought that the matter might be safely left to the courtesy of the Chancellor of the Exchequer.

Mr. COBBETT said, he had essayed for four successive nights to catch Mr. Speaker's eye, but in vain, and although he might not have anything very important to say to the House, he should protest against a premature closing of the debate.

Mr. O'BRIEN said, he hoped that hon. Members from Ireland would have an opportunity of addressing the House on this question. It was not entirely an English measure but an Imperial one.

Mr. COX said, he wished to have an opportunity of explaining the reasons which would influence him in the vote he was about to give, as they might be peculiar ones.

Debate *further adjourned* till *Thursday* next.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, March 30, 1859.

Minutes.] Public Bills.—1° Married Persons (Scotland); Indemnity.

2° Trial by Jury (Scotland); Law Ascertainment; Admiralty Court; Charitable Uses; Lunacy Regulation Act (1853) Amendment; Parliamentary Voters (Ireland).

MARRIED PERSONS (SCOTLAND) BILL.

FIRST READING.

Mr. MONCRIEFF brought in a Bill to amend the Law of Scotland in regard to the relationship of Husband and Wife.

Bill read 1°; to be read 2° on *Wednesday* next.

TRIAL BY JURY (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

Mr. DUNLOP, in rising to move that this Bill be now read a second time, said

Sir, when I introduced this measure to the House I stated shortly its purport and effect. It is very simple in its character; but I am anxious to make a few observations upon it, mainly in consequence of a discussion which took place on the subject of trial by jury last night in the other House. Although, as I have said, the Bill is a very simple one, it is at the same time a very important improvement on the law of trial by jury. The debate which took place last night in the other House was with reference to a project introduced by the Lord Chief Justice, with a view of assimilating in some degree the English and Scotch law with respect to this subject; the view of the noble and learned Lord being to introduce the system of delivering the verdict of the jury by the majority, instead of by their unanimity, in this country. When I introduced this measure, and it was read a first time, the Lord Advocate requested that I should not fix the second reading until after the Bill, to which I refer as having been introduced into the House of Lords, should have been brought forward. To that request I willingly acceded, although the Bill in question was one which raised an issue entirely distinct from that contained in this Bill. That Bill, however, has been thrown out in the House of Lords, and therefore cannot be introduced in this. I may remark to the House that the system of trial by jury in Scotland is altogether different to that of England. We are not accustomed to a forced unanimity, and know nothing of the mysterious virtues of the number twelve. Even by the law of criminal procedure in Scotland there is a jury of fifteen, and the verdict of the majority is received at once, without any obligation with respect to unanimity. We have never found any inconvenience from that mode of trial; but when, in 1815, trial by jury in civil causes was introduced into Scotland, the system was copied exactly from the English mode of procedure. A jury of twelve were appointed, and unanimity was enforced. That system has always been the subject of great complaint and dissatisfaction in Scotland; and in 1854 circumstances occurred which induced me to give the subject my attention, and I thought that the matter might be again brought under the consideration of the Legislature, with a view to remedying the inconvenience complained of. In that year a Bill was introduced for the purpose of regulating the common law procedure in the courts of England, and one of the clauses of that Bill provided that verdicts might be delivered by a jury in which ten out of the twelve agreed. That clause was passed in Committee in this House, but was thrown out on a subsequent stage of the measure; and I immediately took advantage of the strong feeling then evinced by English Members in favour of receiving a verdict which should be the verdict of a majority of the jury, to introduce a Bill with respect to Scotland, assimilating the mode of proceeding in trials of civil and criminal cases to this extent, that civil causes should be decided by a majority of nine out of twelve jurymen after six hours' deliberation. None of the dangers which were anticipated in respect to applications for new trials arose in consequence of the passing of the Act; and, in point of fact, the only difficulty and dissatisfaction that had been felt in Scotland arises out of the circumstance that they consider the period of the confinement too long. It is to put an end to that grievance that the present Bill is introduced. Unquestionably the House of Lords last night threw out the Bill introduced by the Lord Chief Justice, which had for its object to establish in England a system somewhat similar to the system which five years ago they approved of with respect to Scotland. But that does not at all prove any inconsistency on the part of the House of Lords; for the fact that a Bill having been passed for Scotland, while a similar measure had been refused for England, shows only that there are circumstances in the two countries which make them quite distinct in this matter, and that a measure which is applicable to one is not necessarily applicable to the other. The feeling in England is strongly in favour of maintaining the system of the unanimity of twelve jurymen, and the great argument in the House of Lords last night was that it had lasted 500 years, and that unless some overwhelming reasons were given against its continuation, it ought to be assumed that the people of England were in favour of the unanimity of juries; and that, therefore, it would be very unadvisable to have cases settled by the decision of a majority of the jurymen, for the powerful reason that the decision might not have the same weight that it possessed when it was considered to be the unanimous decision of the whole. Now, the very same grounds that were urged to induce their Lordships to declare that such a system was unfit for England might be urged with still greater force against the establishment of the unanimity principle in Scotland. There the decision of the majority was received with perfect confidence; and to have an enforced unanimity would be extremely irksome to the Scotch people, and I believe would be very prejudicial to the due administration of justice. The origin of juries is not very easily discoverable, nor are the decisions of their constituent members very easily ascertained, seeing that they deliberate in secret; but the general impression is, that in an assembly of that number, one or two men would naturally differ from the others; and I believe it will be found that, whatever may be the cause submitted to them, they are generally the same persons. When a jury is empannelled, and there are among them many persons connected with the country, no doubt it would be a temptation to them, when they wished to go away into the country, to know that the decision would be in accordance with the numbers; but certainly the evil is not one which has been found to operate to any extent against the interests of the public, and it is certainly far less than the grievance which would arise if large numbers of respectable persons, whose time is most valuable to them, were to lose that time by being kept in a state of enforced confinement until unanimity of opinion had been obtained. It is quite clear to me that in any case to which the plaintiff is entitled to a verdict, he will get it by the system at present pursued in Scotland, and the only question that is at all likely to arise is a question whether the amount of his damages would be likely to be affected by the system. The people of Scotland have no two opinions as to the comparative merits of the system of deciding by a majority, but the only doubt is whether the Bill I have submitted does not give too long a time. I now propose by this Bill that the time of deliberation shall be confined to three hours instead of six—and, indeed, I believe the majority of the people of Scotland believe that two hours would be quite sufficient. Upon this point I need only refer the House to the letter which Lord Campbell received from that paramount lawyer and admirable Judge who now presides over the Supreme Court of Scotland upon this subject. He refers to the measure introduced five years ago, and to its excellent working—and he voluntarily makes this remark—"But I think that the period of six hours granted for deliberation is unnecessarily long — half that time probably would not be taken up in discussing evidence — even obstinate jurymen listen to reason." I believe that that opinion is concurred in by the whole of the Judges of the Superior Courts of Scotland, who, in expressing that opinion, only express the opinion of the profession in Scotland; and it is also the expression of the opinion of the whole body of the people, who are satisfied that no advantage will arise, but that, on the contrary, great inconvenience would be felt, if it is thought absolutely necessary to retain it. I trust that as the House of Lords on a former occasion gave way to the feelings, the habits, and the customs of the Scotch people with reference to the administration of justice, they will now yield this further privilege, which is quite in accordance with all their customs, prejudices, and habits. Believing, therefore, that the alteration I propose to effect by this Bill is a sound one, and one which will be satisfactory to the whole of Scotland, I now beg leave to move that it be read a second time.

MR. MONCREIFF: I wish, Sir, to say one word with respect to this very important measure. We have now in Scotland tried the experiment of having in civil cases a verdict returned by a majority of nine to three, and in criminal cases we have long had a jury of fifteen, and have had the cases decided by a simple majority. As regards the working of the system pursued in civil cases, by which the verdict is returned by a majority of nine to three, I can say with the greatest possible confidence, that the only difficulty or difference of opinion that has arisen with regard to the efficacy of the system, has been in consequence of the long period of time during which the jury is obliged to be detained before they are permitted to give in their decision. There are very few cases, indeed, in which the juries in Scotland have separated without coming to a determination one way or the other; there are few cases in which they have returned a verdict in which there has been a minority of three; but in all cases in which there has been a difference of opinion to that extent, it has been perfectly obvious that had the time been shortened to three hours instead of extended to six, the verdict would still have been returned by a majority of nine against three. The principle of insisting upon a jury returning a unanimous opinion has always appeared to me to be contrary to common sense. When it is required that a jury shall be unanimous, it is plain that the unanimity cannot be complete, and to try to compel that which is not within the power of compulsion must result in an inconsistency; and in truth the real effect of such an attempt is, that although juries may enter the court and say, that they have agreed upon their verdict, and although it may appear on the face of the record that the verdict is a unanimous one, yet if there has been any difference of opinion at all in the minds of the jury, the verdict has really and truly been returned by the majority. It is very strange, in my opinion, that we should insist upon the harmonious opinion of twelve men in legal questions; because we never insist upon a unanimity of opinion upon any other questions, but invariably take the opinion of the majority and act upon it. Surely, the Commons' House is a striking instance of the truth of that assertion; and it appears paradoxical to me that, while we do not require unanimity in the making of our laws, we require the unanimous opinion of a jury as to whether they have been broken or not. During the last four or five years, the principle of a majority has been conceded in civil cases in Scotland, with a proviso that there shall be a deliberation of six hours; and what is now proposed is to shorten the time during which juries are detained. I cordially agree with the proposal of my hon. and learned Friend, for I believe it to be a fact, that one result of the long period of this forced deliberation is, that in some cases the minorities have actually been able to overpower the majorities. And it is to be considered that jurors are for the most part shopkeepers and persons in the middle classes to whom time is very important. When there is a clear idea of the issue, and anything like a general understanding of the case, the minority have a strong lever on the majority to induce them to give in to a view of the case which is contrary to their opinion. I know, of course, that there are cases of great importance in which it is quite right that a jury should be detained sufficiently long to ensure that they shall deliberate upon the questions submitted to them; but I certainly do think, that if they are subjected to a detention of three hours, and then return a verdict by a majority of nine to three, that would answer every possible purpose. I may mention that the opinion on this point in Scotland is unanimous. The proposed change is supported by the important body of the Faculty of Advocates, over which I have the honour to preside; and it entirely meets the wishes of all classes of the people. I am sorry to find that the views entertained on this question in this portion of the United Kingdom, where the trial by jury is of longer standing than it is in Scotland, are contrary to those which we entertain. I am bound to assume that there is a general feeling in England that it is desirable that there should be a unanimity in juries; but I am equally convinced, that as far as Scotland is concerned, the change proposed by this measure will not only be received as a boon, but will be conducive to the attainment of justice.

Moved, That the Bill be now read 2°.

THE LORD ADVOCATE: I can assure the hon. and learned Gentleman who has introduced this Bill that in my opinion he has earned for himself, and I believe has received, the greatest credit from the people of Scotland by the change which he introduced into the law in respect to the trial by jury four or five years ago, and I cordially assent to the further change which he has proposed upon the present occasion. Entertaining that view, it will not be necessary for me to detain you for more than a few minutes on the question. At the same time I think it right, holding the position I do, to state shortly my view, that we are not here to discuss the question whether or not a jury, under the present system, is the most appropriate tribunal for the purpose of determining civil actions in Scotland, or whether it would be better that the principle of the unanimity of juries should be adopted. It appears to me that the laws of the country which have existed for so considerable a time have so affected the customs and habits of the people, and have so influenced the train of thought and the direction of their mind, that it is very important, before we consent to any alteration of the laws, that we should most carefully consider whether we are about to alter them in accordance with the habit of thought which influences the nation, or whether we are about to make a change which, in consequence of that habit of thought, it is not very probable they would approve. I am not surprised at all that it is considered a matter of great doubt and difficulty in England whether it would be wise that a change should be introduced into the system of trial by jury which should have the effect of enabling juries to return a verdict in accordance simply with the opinion of the majority; but I have not the least doubt that the very reasons and arguments which in England are used in favour of the maintenance of the present system, and against the introduction of decision by the majority, would lead in Scotland to the very opposite conclusion. It has been the custom from time immemorial in Scotland not to have recourse to the unanimous opinion of a jury, but to be content with the verdict of a simple majority; and therefore any change in the law would have the effect of completely bewildering the minds of the class of people who usually form the bulk of the juries. A juryman in Scotland can by no means understand why on one side of the border he must return a verdict by a simple majority, while on the other the opinion of the jury was bound to be unanimous. The consequence of the change in the law which enabled jurymen in Scotland to give their verdict by a majority of nine against three, with a deliberation of six hours, conferred very great benefit upon the country, and, as was correctly said by my hon. and learned Friend opposite, has worked extremely well since it has been introduced. The proposition which has now been made to limit the period of the detention of jurymen from six to three hours has met with general approval. That it has met with the approval of the very experienced and highly talented individual who now, with so much credit, presides over the Courts of Scotland—that he should have approved of the change—would naturally have affected my mind even if I had been otherwise inclined to differ in opinion with the hon. and learned Gentleman as to its advisability. That learned functionary has had more experience with respect to the working of the system of trial of civil cases by jury in Scotland than any other person; and, therefore, the Lord Justice Clerk being of opinion that such a change as that which is now proposed ought to be introduced, and that opinion being further supported by the approbation of the learned Faculty of Advocates, over whom my hon. and learned Friend opposite presides with so much ability, I have no hesitation in saying, not only that I do not oppose, but I thoroughly approve of the measure which has been introduced into this House by my hon. and learned Friend the Member for Greenock. The advisability of the proposed change had indeed occurred to me before, and I may mention a case which occurred at the time I was acting as public prosecutor, which shows the extreme difficulty of obtaining unanimity in a jury—a difficulty not arising so much from any circumstances relating to the cases tried, as from an irreconcilable difference which appeared to exist in the constitution of the minds of some of the jurymen. My hon. and learned Friend and many hon. Gentlemen in this House know that it is frequently the custom to try several cases by the same jury; and I recollect upon one occasion, when I was engaged in criminal trials, there were several consecutive cases in which the verdict was returned by a majority of fourteen to one, and on inquiry it turned out that it was the same individual who was in a minority in each case. I merely mention that in order to instance how unreasonable it is to expect perfect unanimity of opinion among any body of men upon any question. With respect to the Bill now before the House, I have expressed my opinion that the change is a good one, and one that, I believe, will meet the wishes of the people. For that reason, I give it my cordial support.

Mr. EDWIN JAMES said, that with respect at all events to England, he thought such a change in the law as that which it was proposed to effect by the Bill which was thrown out by the House of Lords last night would prove most disastrous; and, entertaining that view, he had given notice of a Motion for a Return of all cases in which juries in England had been discharged for want of unanimity. He believed, in point of fact, that those cases were very few indeed in number; and it had been his intention when he obtained the Return in question to found a Motion upon it to the effect that the House was of opinion that any departure from the present practice of requiring unanimity in juries would be disastrous to the country, would create confusion, and prove highly detrimental to the administration of justice. The Bill of the Lord Chief Justice, however, having been lost in the House of Lords, could not now come before the Commons for discussion; and, inasmuch as his object was answered by the premature defeat of the measure, it would not be necessary for him to persist in his Motion.

Mr. BUCHANAN: Sir, having had frequent calls made upon me, and having frequently acted as a juryman myself, this House will perhaps permit me to make a single observation upon the Bill now before us. It has been said that there having been no very great difficulty experienced in obtaining complete unanimity in English juries arises from the circumstance that that uniformity has now been required in England for a very great number of years, and that the principle of the unanimity of juries has been altogether incorporated with the ideas and habits of thought in the country. Well then, Sir, in respect to Scotland, I say that it is exactly the reverse—that it is only comparatively recently that we have had established the system of trial by twelve jurymen in civil cases; and when that system was introduced and acted upon on the same basis as the same system in England, the prejudices of the country were altogether opposed to it, and in favour of working by a majority of jurymen. With regard to criminal cases, they were already decided by a majority, fifteen being the number of the jurymen appointed to try the case. They worked by a small majority; and certainly the entire prejudices of the people were in favour of deciding by a mere majority. When the change in the law was introduced which rendered a jury capable of deciding by a majority of nine against three, hon. Gentlemen can hardly understand or conceive the difficulty which was experienced in getting that majority, and, in point of fact, it seemed to be the most hopeless thing in the world to expect anything like unanimity even to that extent. It was perfectly vain, and a mere waste of words, to endeavour to argue with jurymen, and to impress upon their minds that the idea of unanimity was an abstract and theoretical idea—that in reality it was nothing more than a yielding of the minority to the majority, and I really know of no task which was so difficult and harassing as the task of endeavouring to convince three or four men who had all their lifetime been accustomed to decide cases according to the numerical majority of the jurymen, and who could by no means be made to understand that unanimity in a jury meant nothing more than a compromise. Well, a great change was made in the law four or five years ago, through the exertions of the hon. and learned Gentleman who proposes the present Bill. That change, I am free to admit, was a most judicious change, and it has effected a vast amount of good. As, therefore, an evil still remains to be redressed, and a grievance to be remedied, I cannot but hope that much good will result from the proposed additional relaxation of the law. I cannot sit down without adding one more instance of the favourable working of the jury system when the majority is empowered to decide the question submitted to it. The effect of the system at present pursued in criminal cases has, I think, not been so satisfactory as could be wished, for I think one man can often turn a bare majority to his own views; whereas, if there is a necessity for great deliberation and consideration, which is implied in the majority being a large one, I think that very often a different verdict would be arrived at. I, therefore, am of opinion that a change in the criminal law, which would render it necessary that the majority should be three-fourths, would be a great improvement.

MR. MACKIE: It seems to me that when we argue this question upon general principles, we go upon the basis that human nature is different in Scotland and in England. If the Bill which was lost last night in the House of Lords had come down to this House, and had been discussed, I have no doubt that we should have had a vast variety of opinions upon it; but I cannot but think that it is more reasonable that we should be bound by the decision of the majority of a jury than that we should insist upon obtaining that which we really never can obtain—namely, perfect unanimity on the part of juries. I can bear testimony to the great advantage which the decision by a majority possesses over the principle of perfect unanimity. I resided for several years in one of our colonies, in a position in which I had a good opportunity of judging with respect to this matter. There we had a mixed community of English, Scotch, and Irish. The colony I allude to is New South Wales. Sixteen years ago the system in New South Wales was the same as that which now exists in England; it was based upon the principle of the perfect unanimity of the jury. I had the honour at that time to fill a position in the colony which enabled me to introduce the principle of the Scotch system; and I may observe that the introduction of that principle did not in any degree alter the general jurisdiction either of the criminal or the civil law. Instead of the old practice of perfect unanimity, we introduced the system which it has been stated has effected such great good in Scotland, namely, the decision of jury cases by a majority of three-fourths of the jury after a deliberation of six hours. In the Bill which was necessary to establish that system, we gave the power that by the consent of both parties the verdict of the jury might be given when the necessary majority for the decision of the case was arrived at, notwithstanding that the six hours might have remained unexpired. What was the result of the introduction of that system into the colony of New South Wales? I can speak with respect to its operation during no less than eight years; and, therefore, my experience is such as enabled me to form something like a judgment upon the question. These jury cases were constantly coming under my notice. I myself was frequently in the jury room, and I found that in point of fact any pretence of perfect unanimity among juries is mere hypocrisy. I found that before the alteration was made which enabled the jury to return a verdict by a majority, eight times out of nine the verdict that was returned was not the unanimous opinion of the jury, but was, in fact, a compromise between different parties. In cases of very great importance where there was any very strong feeling on the subject, my real belief is that the majority of the jury very often, by standing out, were unable to decide the verdict. I do not pretend to say that that was proper. Of course I know it was wrong. But what followed the working of the Act? Why, that practically two hours after the retirement of the jury had very rarely elapsed before they came to a verdict, and that verdict was very often a verdict of ten to two, or eleven to one. Seeing the great advantage that followed the introduction of that system into the colony of which I speak, I cannot but believe that the principle upon which juries should be formed should be the principle of a majority as opposed to the principle of perfect unanimity. I think the change proposed by the Bill now before the House will be a beneficial one, and, therefore, I shall support the second reading.

Mr. MELLOR: I merely rise to express, to a great extent, the same sentiments which have been expressed by my hon. Friend behind me, in reference to the unanimity of juries in civil cases. I regret that we shall not have an opportunity of considering that subject in this House, and I very deeply regret the loss of the Bill of the Lord Chief Justice in the House of Lords. In most of the cases upon which the decision of a jury is given, I cannot help thinking that the unanimity is more apparent than real. I perfectly agree with the hon. and learned Gentleman below me (Mr. Moncreiff) that it is impossible to expect that, considering the constitution of the human mind, there can be that unanimity in every case which the law requires. Under these circumstances I should have been most glad to have discussed, in this House, the propriety of permitting juries some escape without compelling them to do that which in many cases is a direct violation of their consciences. With regard to criminal cases the issue is very different, and I can see abundant reasons why criminals should not be convicted otherwise than upon the direct verdict of the whole of the jury. But in civil cases there are no such reasons. I am prepared to admit, that under the law as it now exists a verdict is rarely given of which I could not approve; but to show the House that the notion of the unanimity of juries in such cases is a pure fiction I may mention an anecdote which may throw some light upon the question. I happened some time ago to meet a very experienced juryman, who is frequently summoned upon special juries, and I inquired of him the *modus operandi.* He said, "I have had very great experience of the working of juries, and I always make it a practice, whenever we are called upon to give our verdict, to differ in the box. By that means I secure our being sent away to a private room, which generally enables us to be discharged without being required in another case, a second jury being almost invariably sworn. When I get into the room, I propose before discussing the question at all that we should agree to be bound by the decision of the majority. We then proceed to discuss the points at issue, and upon a division I frequently find that there is a small majority of one, two, or three, one way or the other. We go into court, however, and pronounce what is considered the unanimous verdict of the jury; but what is very frequently merely the verdict of a majority. I think this statement satisfactorily proves that the unanimity of juries is more apparent than real; and I should be glad to have an opportunity of discussing the question in all its bearings in this House.

Mr. COWAN: I once had the honour of acting upon a jury as foreman, or what would be called in Scotland chancellor. The object of the cause was to determine the value of *solum* fifty acres in extent under high-water mark. The *solum* had been required for the formation of dry docks in the neighbourhood of Edinburgh, and various parties competed for the right of ownership—namely, the Crown, the City, and the Commissioners of the Port of Leith. It became necessary to empannel a jury to determine the value of the *solum* in question; and after having been detained for a considerable time, we were sent down in three or four hackney coaches to see the *solum.* When the coaches were put in motion, I must confess that we felt very much like convicts marched off to the hulks; but when he had returned, and were assembled in a small room to consider our verdict, a juryman pulled out a pencil and began to calculate the value of the *solum.* My opinion was, that as the scheme had been abandoned, and the land was under high-water mark, it was worth little or nothing, and I was for giving the smallest coin in the realm; but the gentleman with the pencil and paper entered into a very elaborate calculation, and wished to give a verdict for £100,000. There were a great variety of sums proposed between that and the extraordinary low figure I fixed as the value; and while we were engaged in discussing the question we were imprisoned in a small and ill-ventilated room. I looked out of the window to see if there was any mode of escape, but I found we were three stories from the ground. The door was locked; we had not a particle of fire, or of creature comforts of any kind, and I found it totally impossible, by any ingenuity, to make my escape. After a very long and a very absurd deliberation, we agreed at length, not for the sake of unanimity, but because we found it was the only way of escaping to our families, to agree upon a verdict for £50. I certainly think that in this 19th century it is high time to abandon all such absurd schemes for producing what is never arrived at after all—total unanimity.

MR. STUART WORTLEY: After the expressions of opinion which have fallen from the Lord Advocate and from my hon. and learned Friend (Mr. Moncreiff), who are both very high authorities on the practice and experience of the courts of law in Scotland, I have not the slightest doubt of the desirability of the proposal now made by the hon. and learned Member for Greenock. I am anxious, however, to guard against any misapprehension, and I therefore beg to state, that however desirable an alteration of the law of England may be in reference to the unanimity of juries in civil cases, in regard to criminal cases, I perfectly agree with the hon. and learned Member for Yarmouth (Mr. Mellor) that under no circumstances can a case be foreseen in which it would be advisable to alter the law which now requires such juries to be unanimous in their verdict. According to the feeling which prevails in this country, I am satisfied that in criminal cases, with anything short of the unanimous verdict of twelve men, it would be utterly impossible to carry out the sentence. In a case of murder, for example, if three jurymen thought the accused person innocent, it would be perfectly impossible to carry the sentence into execution. The question, however, is so palpable that I will not detain the House with any further remarks upon it. At the same time I think that many amendments in our law in strict analogy with the forms now established in Scotland might be safely introduced, and would be of considerable service. I do not know how the jury system in Scotland works in every particular. I am not aware whether they have established the absurd system of starving a jury. In my opinion nothing can be more absurd or more contrary to human nature. In this country it is almost one of the institutions of the country that when men meet together they should refresh themselves, and if they were not aware that they were liable to be exposed to starvation and cold, a jury would always go into the jury-box with much better spirit and humour. I believe there is no institution which we value more than trial by jury, and yet there is no class of men more ill-used than jurymen. Whether you take common or special jurymen, there is no class worse used. No accommodation is provided for them in the courts, but they are obliged to find places where they can, and frequently they are kept standing for hours in the passages of the court: and perhaps in the end the case for which they were summoned, never come on at all. Again, I cannot see upon what principle of justice a special juryman is paid a guinea and a common juryman nothing. Some people attend the courts in order to be appointed jurors, so that they might get the guinea, and several are said to make a very good thing out of it. For my own part, I cannot see why all the jurymen should not be placed on the same footing; why they should not have ample accommodation provided for them; and why, in civil cases, the absurdity of restricting the number of jurymen to twelve should be continued, especially in special jury cases. In those cases it frequently happens that the list of special jurors is read over several times, when it is found that two or three are absent, and then at length a *tales* is prayed, and the vacancies are supplied. You thus get nine or ten men upon the jury of superior mind and attainments, but you put upon the same jury two or three uneducated men, any one of whom may stand out against the rest. In that respect, and also in reference to the principle now adopted of starving a jury and exposing them to the cold, I should be glad to see an alteration. I rejoice to find that the law of Scotland, which does not require unanimity in civil cases, has worked well, and, as that is the case, I cannot object to the proposition of the hon. and learned Member for Greenock to reduce the time of the confinement of a jury from six hours to three.

Bill read 2° and *committed* for *Wednesday* 13th April.

LAW ASCERTAINMENT BILL.

SECOND READING.

Order for second reading, read.

Mr. DUNLOP, in moving that this Bill be now read the second time, said, Sir, I have reason to hope that hon. and learned Gentlemen who have seats in this House will be united in support of the principles of this Bill, which has reference to the ascertainment of the law in England when a question involving that law is raised in a Scotch Court, and *vice versâ*. The House will be aware that cases constantly arise, in which a question of the law of one country is raised in a cause depending in the court of another. For instance, in England questions frequently arise as to the validity of a Scotch marriage, and in Scotland numerous cases are brought before the courts in which questions of English law are involved. The mode of ascertaining the law is, however, most uncertain. It is sometimes done by queries sent by the court to some individual lawyers—generally lawyers of great eminence and standing—but the queries are sent without any opportunity being afforded for discussion. By this means opinions are sometimes given in ignorance of the real point raised, and are given in such a way as to prevent the possibility of making a further inquiry, which would result in bringing out the real state of the law. In other cases gentlemen are cited as witnesses. Professional men are brought in on one side who give expression to one set of opinions, and then, other professional men are examined on the other side who enunciate totally opposite opinions. I need scarcely add that that is a very painful as well as unsatisfactory mode of procedure. It is just like the evidence of medical men, the result being on the one hand not very expensive, but on the other most unsatisfactory. Many cases have occurred in Scotland and England which show the difficulty and uncertainty of ascertaining the law by the modes at present adopted ; but I will refer for a moment to one which occurred with reference to the law of France. Though this Bill does not affect the law of foreign countries, the principle involved in it is precisely the same. The case I referred to occurred two or three years ago, and it related to the will of a lady. The consul in France examined so many men on one side and so many men on the other, and a decision was come to, but the Judicial Committee of Privy Council formed a different opinion, and the result was that the whole matter was left in great and painful uncertainty. At that time I had this Bill in draft, and I was much encouraged to go on with it by an opinion given to me upon this very case, in which a very distinguished lawyer said, "It seems a pity that in a case of this kind, where really the decision turned upon an uncertainty as to what the law of France really was, the question could not have been brought before the highest French court for its decision. The shortest course of procedure in such matters is the simplest and best." The shortest way as suggested by the gentleman whom I am quoting, would be to send instructions to our Ambassador in Paris to lay the case before the Court there, and obtain an opinion upon the point at issue. He proceeds to say, "However professional lawyers may shudder at such a direct proceeding, I really cannot see what mischief could result from the adoption of such a course." But I do not propose in my Bill to deal with foreign law or foreign Courts, but simply with legal questions relating to Courts in the same empire—for both in England and Scotland you have had the same difficulties to contend with in consequence of the inconvenient mode of ascertaining the law. Although my hon. and learned Friend the late Attorney General (Sir R. Bethell), with whom I consulted last year, informed me that he decidedly approved of some measure of the kind, and thought it ought to be accompanied by some provision to enable the courts of this country to ascertain the law of foreign Courts in the event of conventions being entered into, I have not extended my measure so far. Last year I had no opportunity of doing so, and this year I have thought it better that I should introduce a Bill the operation of which was simply confined to our own Courts. What I have now done has met, I may state, with the concurrence of the hon. and learned Gentleman below me (Mr. Moncreiff), the late Attorney General for Ireland (Mr. J. D. FitzGerald), and my hon. and learned Friend the Member for Wallingford (Mr. Malins). Under these circumstances, I trust that the House will have no hesitation in agreeing to the Motion for the second reading of the Bill. The course which I propose in the Bill is that after each party shall have been heard, it shall be competent for the Court to state a case and submit it to a Court in the kingdom whose law it is endeavoured to ascertain, and the opinion of the Court to which the case is submitted shall be binding upon the Court in which the cause is pending. I propose also that the Court to which the case is submitted shall be empowered to hear counsel. It may be thought that this is somewhat of a cause within a cause, and that the expense of ascertaining the law will be very considerable; but I believe the expense of the present system is fully as great or even greater, but if it be not greater the certainty of the decision gives advantages far beyond any that can be secured by adhering to the present system. I therefore think that a change might very wisely be effected, and I provide in the Bill that in the event of an appeal the House of Lords should deal with the case as it would deal with a judgment. The House of Lords even now would not look upon the opinion and deal with it as a matter of fact, but being cognizant of Scotch as well as English law they would hear the facts, and, if in a Scotch case they differed from the English lawyers, would give effect to their own opinion. I provide that in the case of one Court taking the opinion of another, if the case is appealed, the opinion of the Court which was consulted shall be deemed matter of law, and the Supreme Court having jurisdiction over both Courts shall be entitled to deal with it as a matter of law. There are matters of detail contained in the various provisions of the Bill which it is unnecessary to enter into now, but I entertain a strong conviction that the measure as it stands will meet with the approbation of the House.

Moved, That the Bill be now read 2°.

MR. MALINS :—My hon. and learned Friend the Member for Greenock did me the honour to show me the Bill before he brought it into the House, and I at once stated that I thought it had a most reasonable object in view, and that I trusted it would succeed in accomplishing it. My hon. and learned Friend has correctly stated that whenever a question of the law of another country arises, the present mode of deciding it is to take the opinion of advocates, or to call witnesses to prove what the law is. Of course, upon all such subjects there is a great conflict of opinion. Indeed so many difficulties are in the way, that the learned Judges have ultimately to interpret the law in their own way as they best can. I may mention a case which occurred in reference to the law of France. An Englishman who had resided for some time in France left a large property to Southampton, but the next of kin raised the question whether the will properly passed the property. The point for decision was whether a man residing in Calais for fifteen years had not ceased to be a domiciled Englishman, and had become a domiciled Frenchman, and that, consequently, the will not being executed according to French law, was null and void. Now, a great number of persons are admirers of codification, and say it will be a happy day for England when she gets a code. Now, this particular case was argued upon the *Code Napoleon,* and there were immense briefs on either side of two or three hundred pages. On one side there were numerous opinions declaring the plaintiff's view to be right, and there were quite as numerous opinions on the other side declaring the plaintiff's view to be wrong. The only thing to be done was to compromise the case, and accordingly a compromise was entered into, by which the next of kin obtained about £20,000 or £30,000, and the rest went to Southampton, diminished by this most expensive litigation. The expense upon the mere question of domicile was more than £25,000. Nobody was to blame for that enormous expense. It arose from the conflict of law, and because there was no cheap and easy mode of deciding what the French law was. The only person to blame was the testator himself, who had not thought fit to reside in his own country. But the result was that the case cost £25,000 in litigation, and the town of Southampton, after paying £25,000 as a compromise, only got £50,000 out of the £100,000 left them. There have been many cases in which similar conflicts of opinion have happened in this country and Scotland, for Scotch lawyers as well as English differ in opinion. My hon. and learned Friend the Member for Greenock proposes to obviate the existing difficulties by his present Bill. He provides that when a question of this kind arises, the English courts shall be able to send a case for the opinion of the Scotch Courts, and *vice versâ*, and that the opinion of the court to whom the case is submitted shall be conclusive, unless there is an appeal to the House of Lords. I believe that if the Bill of my hon. and learned Friend passes, we may be able hereafter to find out some mode by which the same result may be obtained in reference to foreign law. I think it would be of great advantage if we had the power of sending cases for the opinion of foreign courts, and if the foreign courts had the power of sending cases for the opinion of our courts. That, however, can only be done by an arrangement between the two countries; but I sincerely hope that an attempt will be made to effect an arrangement.

Mr. J. D. FITZGERALD: My hon. and learned Friend who introduced this Bill did me the honour to consult me respecting the expediency of extending it to the sister country. I perfectly agree with him that the proposal he makes would effect a great improvement, and I only regret that the case mentioned by the hon. and learned Member for Wallingford (Mr. Malins)—namely, the case of foreign law—will not be met by it. I trust that if the change is made, it will be found to work well, and that some means will be devised whereby it may be extended to the law of foreign countries, and we may thus be saved from the evils which we at present experience. The absurdity of the present system is this. If in an Edinburgh Court a question of English law arises, or in a Court in London a question of Scotch law arises, we treat England or Scotland precisely as though they were foreign countries. An important question of Scotch law arose before Sir Edward Sugden, the present Lord St. Leonards, when Chancellor of Ireland, and he had first to determine whether it should be decided by *vivâ voce* evidence or by a case stated. He determined upon the latter course, and a case was submitted to the Dean of Faculty, the Lord Advocate, and the Solicitor General; but their opinions were found to be all different, and in the end the Lord Chancellor had to undertake it himself. Of course, in order to enable him to decide upon the case, he was compelled to study the Scotch law, as also had the advocates in the case who differed from the Scotch lawyers; and ultimately a decision was come to which was given upon a totally different view of the Scotch law. Whether the decision thus arrived at was really right or wrong was never ascertained. It was come to in accordance with the view of a Judge and counsel, who might very easily have formed erroneous opinions in consequence of having to deal with a law with which they were utterly unacquainted. I think that the Bill of my hon. and learned Friend will provide a convenient and economic mode of disposing of all difficulties, and I sincerely thank him for having introduced it.

The LORD ADVOCATE: I think it right that I should say a few words before the House agrees to the second reading. I cordially approve the principle of the Bill, but I am anxious to say nothing at present respecting its details, as all questions of detail can be dealt with in Committee. There is, however, one matter to which I may call the attention of my hon. and learned Friend. The preamble of the Bill makes the measure to apply to Her Majesty's dominions, which of course include the Colonies. I am not quite certain whether my hon. and learned Friend wishes to extend his Bill to the Colonies or not. If he does, I would remind him that this inconvenience may arise—he gives an appeal to the House of Lords which cannot be rendered available in the case of the Colonies.

Mr. BOUVERIE: There is only one remark I would wish to make before the Bill is read a second time. I approve of the object of the measure; but the Bill itself, as I read it, seems to me to be much too widely and generally drawn. The last clause allows the powers given by the Bill to be exercised in any judicial Court whatever. No doubt this is a very desirable power for the superior Courts to possess in any one of the three kingdoms; but I do not think it desirable that the Courts of inferior jurisdiction, such as the County Courts and Courts of Quarter Session, should have the power. I therefore hope my hon. and learned Friend will consent in Committee to limit his Bill to the superior Courts.

The SOLICITOR GENERAL: I quite

agree with what my right hon. Friend has said; but I think it would be inconvenient to bring all the details of the Bill under discussion. The power ought, no doubt, to be confined to the superior Courts. There is another matter which requires some consideration. The 4th Clause provides that in case of an appeal to the House of Lords the opinion of the Court which had certified the law should be subject to review. That might suit in regard to English and Scotch Courts, but in regard to the colonial Courts it would be introducing an appellant jurisdiction of the House of Lords which has never yet been exercised. I hope the hon. and learned Gentleman will devise some means for obviating that difficulty; but with regard to the main object of the Bill, I give it my hearty concurrence. I think that considerable expense will be saved if it passes into law.

MR. DUNLOP said, he should be only too happy to avail himself of the suggestions which had been made, and he would Amend the Bill in accordance with them when the Bill went into Committee.

Bill read 2° and *committed* for *Wednesday* 13th April.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

LORD JOHN RUSSELL said, since the second reading of this measure he found there had been so many suggestions made, and so many points raised, that he thought there would be great difficulty in discussing them properly in a Committee of the whole House until the Bill had been first considered by a more select number of hon. Members. He was therefore inclined to accept the proposal of his right hon. Friend (Mr. Bouverie) to refer the Bill to a Select Committee. He did not know what course the hon. and learned Attorney General intended to take with respect to the Debtor and Creditor Bill. He would suggest to the hon. and learned Gentleman that not only this Bill, but also the Bill from the House of Lords, should be referred to the same Select Committee. If that course should be adopted he hoped that the Select Committee would consist of persons who were fully competent, from their legal knowledge and mercantile experience, to come to a right conclusion upon the matter. He should therefore take leave to move that the Bankruptcy and Insolvency Bill be referred to a Select Committee.

THE ATTORNEY GENERAL said, he entirely agreed with the noble Lord in the expediency of the course he proposed to take in reference to his own Bill. The number of questions and points involved in the Bill were such as to render it most advisable that they should be first dealt with by a Select Committee. Indeed, the House would hardly be in a position to do justice to the entire subject without the aid such a Committee would afford. In regard to the Government Bill which had come down from the House of Lords, and was waiting for a second reading in that House on Friday next, he proposed that it should be then read a second time *pro formâ*. He should be afterwards prepared to state to the House the course he proposed to pursue regarding it. He did not, however, apprehend that there would be any objection to refer the Bill to the same Select Committee as the noble Lord's measure, so that by the assistance of such a Committee a satisfactory measure might be framed on the subject.

MR. E. P. BOUVERIE said, he was quite satisfied that the course now taken was the only way to obtain a Bill on this important subject which would be at all satisfactory to the House or country. The subject was so important that it deserved the consideration of one of the ablest and most comprehensive Select Committees that could possibly be appointed. He would suggest that the Committee should have power to call witnesses, who might be able to give both information and advice.

MR. CRAWFORD said, he was glad that the noble Lord had determined to refer his Bill to a Select Committee. He could also assure the hon. and learned Gentleman the Attorney General that the large constituency which he represented reposed the greatest confidence in him, and felt convinced that the interests of the commercial community would be properly attended to so long as the matter rested in his hands.

MR. HEADLAM said, the subject was one which excited the greatest interest throughout the country, and it was most desirable that some measure should be passed in the present Session. The subject had already been inquired into, and he was persuaded that if the Committee were to be allowed to enter into an examination of witnesses, there would be no Bill on the subject during the present Session.

MR. MOFFATT said, he also was glad the Bill was to be referred to a Select

Committee. He was also opposed to going into any evidence at that stage, inasmuch as he believed all the facts bearing upon the subject were already recorded in documents to be found in the library of the House. He hoped that the hon. and learned Attorney General would assent to act upon this Committee.

MR. MALINS said, he also concurred in the propriety of referring the Bill to a Select Committee. If evidence were to be gone into, however, he should much prefer the appointment of a Royal Commission to a Committee. Still, considering the mass of evidence already before the House, on the whole he should prefer to adopt the recommendation of the hon. and learned Member (Mr. Headlam), and proceed with the Bill at once.

MR. VANCE observed, that if the Committee were composed of lawyers and experienced mercantile men it would not be necessary to call witnesses, the hearing of whose evidence would prolong the inquiry indefinitely. The mercantile community of Ireland were anxious for the passing of an English Bill on this subject, because they were aware that it would form a basis for legislation for Ireland.

MR. SOTHERON ESTCOURT said, that the only point on which there was a difference of opinion was, as to whether the Committee should take evidence or not. That was a matter on which the Committee could exercise a judgment of their own, and could, if they thought fit, apply at any moment to the House for power to examine witnesses. It might, perhaps, be desirable to obtain evidence on minor points of the Bill, though not as to its general principles. The matter, therefore, had better be left to the discretion of the Committee. With respect to the noble Lord who had brought this subject before the House, he begged to offer to him his humble tribute of respect for the attention he had bestowed on this important matter.

MR. LOWE said, he quite agreed that it would not be necessary to go into the general law of bankruptcy; at the same time there were many questions of practice with respect to which it would be absolutely necessary to obtain information, in order that the Committee might deal with the two Bills in a satisfactory manner. He could not, therefore, see that any good purpose would be attained by turning the Committee adrift without the power of calling witnesses.

THE SOLICITOR GENERAL said, the difference between hon. Members was rather one of words than of substance. The objections to a general inquiry were no doubt obvious; for, if that were done, there could be no hope of legislation during the present Session. He agreed, however, with the right hon. Member for Kidderminster in thinking that there might be some minor points to be considered upon which the Committee would feel it desirable to call for more evidence. If they accompanied the appointment of this Committee with the power of calling witnesses, the Committee would probably proceed to examine into the whole question. Whereas, if they allowed the Committee to wait until they considered the channels through which the inquiry was to run, there would be ample time for them to come down to the House and to ask for further power to call witnesses at that particular stage of the inquiry.

LORD JOHN RUSSELL said, that he quite concurred in the suggestion of the right hon. Gentleman the Home Secretary. If the Select Committee, in going through these Bills, should think further evidence was necessary, they could apply to the House for power to call witnesses; but to give them that power in the first instance might induce them to think that they ought not to confine their attention to the Bills, but ought to embark into an inquiry as to what should be the basis of legislation on the subject.

Order *discharged.*

Bill *committed* to a Select Committee.

ADMIRALTY COURT BILL.

SECOND READING.

Order for Second Reading read.

MR. HADFIELD said, he rose to move the Second Reading of this Bill, its object being to open the practice in the High Court of Admiralty to all serjeants and barristers-at-law, attorneys, and solicitors. In the Probate and Testamentary Administration Bill of last year he had proposed a clause which met with the approbation of the House, and was passed, declaring that no compensation ought to be given to the proctors for any alleged loss they might sustain by the opening of the Admiralty Court. When the Bill went up to the other House, that clause was struck out of the Bill without his knowledge. When that Bill became an Act he was greatly surprised to find his clause omitted. He had received information upon which he could rely that it was the proctors themselves who induced the late law officers of the Crown to urge the striking out of that clause, and it was accordingly struck out in the Upper House without any discussion. The Bill of last year allowed the enormous sum of £72,000 as compensation to the proctors, and now they wanted £10,000 a year additional as compensation for opening the Admiralty Court to the profession at large. Those were the circumstances which induced him to move the second reading of this Bill, which provided against any such arrangement. He considered that this large sum of money in the shape of compensation was an imposition upon the country. The opening of the Admiralty Court to the profession generally was not worth that sum of £10,000. He considered it would be better to continue the monopoly than assent to such an arrangement. He should be happy to resign this Bill to the Attorney General if that hon. and learned Gentleman would but take it in hand.

MR. MALINS was quite sure that the House would not desire to proceed with this Bill under a misapprehension of the facts. Hon. Members would recollect the circumstances under which the Probate Administration Bill was amended, so as to give compensation to the proctors for the destruction of their business which they considered that measure would occasion. During the passage of the Bill, but at a late period of the Session, the hon. Member for Sheffield proposed a clause, the effect of which was to open the Admiralty Court to the profession, without giving the proctors any compensation. As, however, the Bill itself did not relate to the Admiralty Court, it was strenuously objected the clause of the hon. and learned Gentleman was quite inapplicable. The Attorney General of the day, however, reluctantly gave way, and permitted the clause to pass. He (Mr. Malins) then contended, that if that Court were to be opened, compensation should be allowed to the proctors who would suffer by such an arrangement as well as to the proctors immediately damaged by the Probate Administration Bill. The Bill, however, left the House with the clause of the hon. and learned Gentleman added to it. It was, however, omitted in the House of Lords, and, in contradiction of what had been stated by the hon. and learned Gentleman, he could say that it was struck out on the representation of the Judge and officers of the Court, to the effect that such a clause ought to be accompanied by many provisions which could not be inserted in the Bill then before Parliament. The Bill, as amended, came back to that House and was duly considered. The hon. and learned Gentleman, it appeared, had relaxed his usual vigilance, for he took no notice of the alteration that had been made in the measure. Now, he proposed that the Admiralty Court should be opened to the profession at large, to which no one objected, but at the same time he refused to give the proctors who would be damaged by such a measure any compensation. The hon. and learned Gentleman was under a great misapprehension when he thought that there was any burden thrown upon the country by the provisions for compensation in the Probate Act. The country did not suffer to the amount of a single farthing. By the Probate Administration Bill one-half of the fees usually paid to the proctors was now constituted a fund, from which the amount of compensation granted them was paid. He asked, upon what principle should the proctors who suffered by the opening of the Admiralty Court be deprived of compensation when those whose business was destroyed by the Probate Administration Bill were provided for? The proctors connected with the Admiralty Court had received no compensation, because the Bill which had passed last Session did not apply to their case. As there was no objection to opening the Court to solicitors, he would not oppose the second reading; but he would oppose the Bill in its subsequent stages, if the injustice in refusing compensation to which he had referred were perpetuated.

THE ATTORNEY GENERAL said, he should not oppose the second reading of the Bill. The object of the measure was to open the court to barristers generally, and to solicitors. With regard to the first of these objects no difference of opinion existed. It was universally admitted it was for the public interest that the court should be thrown open to advocates of all classes. Perhaps, however, an objection might be made to opening the court to solicitors; and then came the question of compensation. It appeared to him that it would be inconvenient to enter into a discussion of that question at that moment; and he would, therefore, suggest that the whole matter should be left to Her Majesty's Government. The subject was under the consideration of the Government, and inquiries were being made into the facts on which claims for compensation would be made. He would remind the hon. and learned Gentleman (Mr. Hadfield) that it was the Government, and the Government alone, who could carry a compensatory clause through Parliament with a due regard to the public interests on the one side, and to the rights of individuals on the other. He hoped the hon. Gentleman would not proceed further with the Bill till the Government should have announced their intentions; but in the meantime he would consent to the second reading.

Bill read 2°, and *committed* for Wednesday, the 13th April.

CHARITABLE USES BILL.

SECOND READING.

Order for Second Reading read.

MR. HADFIELD said, that in the absence of his hon. and learned Friend the Member for Durham (Mr. Atherton) he rose to move the second reading of this Bill. No less than four Mortmain Bills had been passed by that House which the movers had not succeeded in carrying through the other House of Parliament. The object of this Bill was to remove some technical difficulties which arose under the 9th Geo. IV., and which stood in the way of settlements and devises for charitable purposes; and he trusted that it would be committed to some noble Lord who would see what were the difficulties of passing such a measure through the other branch of the legislature. In Scotland real estate of the value of £400,000 had recently been left by a deceased gentleman chiefly for charitable purposes, and as the law of Scotland did not interfere with the will, the bequests took effect. In Ireland, where, to use the mildest term, the Protestants believed that the people were more susceptible of influences brought to bear at the deathbed, the only restriction on a devise by will of real property for charitable uses was that provided by the 16th section of the Act of 1844, which required that the will should be made three months before the death of the testator, and that the will should be registered in Dublin; while in England there was an absolute prohibition to the devising by will of real property for charitable uses. He thought that an amendment of the English law in this respect was absolutely necessary, and the Bill would remove the difficulties which were now experienced by charitable persons who wished to endow schools, hospitals, places of worship, and other similar institutions, and would afford them cheap, effectual, and easy means of carrying out their wishes.

THE SOLICITOR GENERAL said, he did not propose to enter upon the general question of the policy of the Mortmain Laws, and he was certainly not inclined to relax them. Undoubtedly, if the Bill went as far as the hon. Gentleman's speech he should not assent to the second reading, but he found that its object was simply to obviate a construction of the Mortmain Act which invalidated bequests of an unobjectionable character. He should not, therefore, object to its being read a second time; but he must at the same time observe that the Bill involved questions of detail which would require very careful consideration in Committee.

Bill read 2°, and *committed* for *Wednesday*, 20th April.

MARKETS (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 to 18 *agreed to.*

Clause 19,

MR. GREER moved aproviso to Clause 19, restricting the tolls to an amount sufficient to meet the necessary expenditure of the market.

LORD NAAS promised to frame a clause to effect this object.

Proviso *withdrawn.*

Clause *agreed to.*

Clauses 20 to 28 inclusive *agreed to.*

MR. COGAN moved the omission of Clause 29, on the ground that it made it compulsory upon buyers and sellers to have recourse to the public market.

MR. ESMONDE defended the clause.

LORD NAAS said, that if the clause were not agreed to the sellers might pitch their articles in the streets or anywhere else than in the market. With competition of this sort it was not likely that the owners of a market would expend money in improving it. The clause was essentially a poor man's clause, inasmuch as it provided that corn, cattle, butter, and other merchandise should be brought to one common centre. All the evidence taken before the Committee showed that the present confusion which reigned in Irish towns on market days ought to be put an end to.

MR. SPAIGHT said, he was of opinion that if the clause were omitted the Bill would be deprived of its chief value.

MR. H. A. HERBERT said, he agreed with the noble Lord (Lord Naas) that the clause was a poor man's clause. Reject it, and it would be impossible for any party to come forward and give the accommodation which it was the object of the measure to provide. If sellers were to be permitted to pitch their articles in the streets, and not compelled to carry them to the market, the Bill might as well be at once abandoned.

MR. SOTHERON ESTCOURT said, that the proposal contained in the clause was in accordance with the law of this country, to the effect that the person who exposed goods for sale in any other place than his own shop or premises during the continuance of the market, should be liable to a penalty of 40*s.*

MR. J. D. FITZGERALD said, he would recommend the withdrawal of the Motion for omitting the clause, and that the point should be reserved until the Bill was reported.

Motion made and Question put—" That the clause stand part of the Bill."

The Committee *divided :*—Ayes 123 ; Noes 35 ; Majority 88.

Clause *agreed to ;* as were also Clauses 30 to 33 inclusive.

House resumed.

Committee report progress.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 31, 1859.

MINUTES.] PUBLIC BILLS.—1ª Patents for Inventions (Munitions of War); Common Rights, &c., (War Department).
2ª Manslaughter.
3ª Vexatious Indictments; Evidence by Commission.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

THIRD READING PUT OFF.

On the Order of the Day for the Third Reading of this Bill,

LORD CAMPBELL stating that he approved generally of the provisions of this Bill said, there were some to which he excepted and requested that the hird reading be postponed.

THE LORD CHANCELLOR said, he had no insuperable objection to let the Bill stand over, though he did not see the necessity for it. He understood one of his noble and learned Friend's objections was, that in the metropolitan police district any other than a police magistrate might under this Bill commit a prisoner for trial. Now, he believed that was a mistake. Then his noble and learned Friend objected that in the City, as the Bill stood, any Alderman sitting in his own private room might commit a prisoner for trial. But he understood that the practice in the City was, that the Lord Mayor or an Alderman sat daily at the Mansion House and at the Guildhall in public court, and that prisoners were examined and committed only by them. A third objection was, that there were some small portions of counties in the metropolitan district which were not under the jurisdiction of the police magistrates, and that the magistrates committing prisoners from these districts for trial did not sit in open court. Perhaps there might be something in this objection, but at all events the numbers of commitments were small. Out of 1,200 commitments to the Central Criminal Court in the course of a year, only ten had been committed from these districts. He hoped, therefore, his noble and learned Friend would not object to proceed with the Bill.

LORD CAMPBELL said, it had been laid down by the ancient law that unless twelve fellow-citizens declared a man guilty he should not be punished. As the Bill now stood any Alderman of the City of London might be considered tantamount to twelve grand jurymen.

Third Reading *put off* to Monday next.

MANSLAUGHTER BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said its object was to enable coroners to admit to bail parties against whom verdicts of manslaughter had been found; whereas at present they could only be admitted to bail by one of the Judges of the superiour courts. The law at present inflicted great hardship upon poor persons who were not able to make application to the Judges in London; and their Lordships were no doubt aware that coroner's juries often returned very extraordinary verdicts. He recollected a case in which a quantity of timber, which had been floated off a warf at Deptford by an unusally heavy flood, had upset a boat and caused some persons in it to be drowned.

In that case the jury actually found a verdict of manslaughter against the owners of the timber. He had received from a learned Judge now on circuit a letter in which he stated that two cases had come before him during the present assizes in which verdicts of manslaughter had been found against persons against whom the grand jury threw out the bill. The same Judge had met with another case, in which the accused, if he had been convicted, would have been sentenced to a very slight punishment, whereas he had practically been condemned to a long imprisonment by the result of the inquest.

After a few words from Lord CAMPBELL and Lord WENSLEYDALE, expressing approval of the measure,

Bill read 2ª, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned at half-past Five
o'clock, until To-morrow,
half-past Ten o'clock.

* * *

HOUSE OF COMMONS

Thursday, March 31, 1859.

MINUTES.] PUBLIC BILLS.—2° Indemnity.

CITY OF LONDON CORPORATION REFORM.—QUESTION.

MR. BRADY said, he would beg to ask the Secretary of State for the Home Department whether it is the intention of the Government to introduce a Bill for the better Regulation of the Corporation of the City of London ; and if so, when it will be laid on the Table of the House.

MR. SOTHERON ESTCOURT was understood to say that it was his intention to bring up the Bill for the Regulation of the City Corporation, as recommended by the Select Committee of last Session. The Bill consisted of two parts—one relating to Municipal Reform, the other to matters of national interest ; but it was proposed to confine it to the former. He hoped to be able to bring in the Bill before Easter.

THE TROOPS AT TRINIDAD.

QUESTION.

SIR DE LACY EVANS said, he rose to ask the Secretary of State for the Colonies, or the Secretary of State for War, whether orders have been sent, or are intended to be sent, for withdrawing the survivors of the detachment of Troops at Trinidad from that Post.

GENERAL PEEL said, that the Official Report on the subject had not yet arrived ; but, having heard a few days ago that yellow fever still raged very seriously at Trinidad, he had applied to the Secretary of State for the Colonies for his sanction to the withdrawal of the Troops from that station. Orders would go out by the next Mail, directing the commanding Officer at Barbadoes to consult with the Governor of Trinidad, with a view to the withdrawal, if possible, of the Troops from the latter Colony.

SIR DE LACY EVANS said, he wished to know whether arrangements will be made in future to prevent Troops being sent to such unhealthy quarters ?

SIR EDWARD BULWER LYTTON was understood to answer in the affirmative.

THE PAPER DUTY.—QUESTION.

MR. DILLWYN said, he wished to ask the Secretary to the Treasury under what Section of any Statute the Board of Inland Revenue has forbidden Mr. Routledge, of Eynsham Paper Mills, to send out without Excise Survey, half stuff made into slabs similar to those imported free from Russia.

SIR STAFFORD NORTHCOTE said, that the provision under which this had been done was contained in the Section of the Paper Duty Act, which determined what was to be considered paper. What the hon. Gentleman called half stuff, similar to that imported free from Russia, was not precisely similar, because it might be used for some of the purposes for which paper was employed, which the half stuff imported from Russia, could not. An offer had been made to the manufacturers that they might send out this half stuff if it were cut into strips or other pieces ; but they had declined to accept that proposal, and therefore the Board of Inland Revenue treated it as paper, and as such, subject to the provisions of the Paper Duty Act.

LOCAL ASSESSMENTS EXEMPTION ABOLITION BILL.—QUESTION.

GENERAL BUCKLEY said, he would beg to ask the Secretary of State for the Home Department what course it is his intention to take respecting the Local Assessments Exemption Abolition Bill ?

MR. SOTHERON ESTCOURT said, that the claims put forward by Charitable, Scholastic, and Literary Institutions to exemption from local assessments had been very numerous. Many of those Institutions had represented that if they were obliged to pay any Rates at all their means of usefulness would be either totally put an end to, or very much circumscribed ; and, after hearing several deputations which had waited upon him on the subject, he was persuaded that he should not be able to induce the House to pass the Bill in its present shape. There now lay before him two courses, either practically still to preserve as a principle of universal application the liability to rating, or to withdraw the Bill, and deal only with that part of the subject which related to Public Buildings, in which case he thought the proper course would be to proceed by means of a Royal Commission.

OFFICERS OF THE PROBATE COURT.

QUESTION.

MR. VANCE said, he wished to ask the Secretary to the Treasury whether it is the intention of Her Majesty's Government to introduce into the Superannuation Bill now before the House any provision for the Officers and Clerks of Her Majesty's Courts of Probate in England and Ireland ; and, if not, whether it is their intention, during the present Session, to bring in a Bill for the purpose of giving Superannuation Allowances to the Officers and Clerks of the said Courts ?

SIR STAFFORD NORTHCOTE said, that the case of these Officers could not properly come within the operation of the Superannuation Bill, for they stood in the same position as other officers of the law courts. If any Bill should be brought in affecting the Probate Courts, a provision might be inserted in it with respect to those clerks and other officers; but at present it was not the intention of the Government to introduce any measure upon that subject.

REPRESENTATION OF THE PEOPLE BILL.—EXPLANATIONS.

LORD ELCHO:—Sir, I wish, with the permission of the House, to say a few words by way of explanation of a statement which I made in reference to certain expressions that fell from the hon. and learned Gentleman the Solicitor General at the close of his speech on the Bill for the Amendment of the Representation of the People. It may be in the recollection of the House that in the remarks which I made on Monday last I ventured to defend my hon. and learned Friend from the censure directed against him by hon. Gentlemen on the other side of the House. I did so under the belief that nothing had fallen from him in the course of his speech which could in any way affect the private character or the personal honour of the noble Lord the Member for the City of London, and that what he said did not exceed the limits of legitimate discussion and fair Parliamentary warfare, which are ordinarily observed in this House. I must add that I would never open my lips in defence of any man who would say anything which could in any way reflect upon the private character and the personal honour of the noble Lord, which I look upon as precious to every Member of this House. But I regret to find that an impression prevails in the minds of some of the Friends of the noble Lord that the language employed by the hon. and learned Gentleman the Solicitor General was injurious to his private character and personal honour ; and, indeed, a private friend and late colleague of the noble Lord said to me, that he hoped before I defended a person another time I would take care clearly to understand what he meant. I find that in the opinion of some friends of the noble Lord the words used by the Solicitor General at the close of his speech, namely, "private advantage," would bear a construction injurious to the noble Lord's private character and personal honour. Now, I would rather cut out my tongue than say anything in defence of any man who would attempt to imply what those words are supposed by some persons to imply. But I have much too high an opinion of the hon. and learned Gentleman the Solicitor General to suppose that he meant to imply anything of the sort.

SIR HENRY WILLOUGHBY here rose to order. He considered that the noble Lord was exceeding the limits of a personal explanation.

MR. SPEAKER:—The noble Lord must confine himself to an explanation of what he himself may have said on any point on which he appears to have been misunderstood by the House.

LORD ELCHO:—What I was going to say was, that so far from that impression having been left on my mind, I have too high an opinion of my hon. and learned

Friend to suppose him capable of any such sentiment as that which is attributed to him; and I am therefore anxious in justification ["Order!"]. I am only anxious that an opportunity should be afforded him ["Order!"]

MR. SPEAKER:—That is entirely beyound the limit to which the noble Lord's explanation can properly extend.

LORD ELCHO:—In justification—["Order!"].

MR. SPEAKER:—That is beyond the point of a personal explanation of what fell from the noble Lord.

LORD ELCHO:—In my own justification, then, I beg leave to state that in defending the hon. and learned Gentleman I did not imagine that anything he said could affect the private character or personal honour of the noble Lord.

THE SOLICITOR GENERAL: I hope, Sir, although I admit the course is not regular, that after what my noble Friend has said, the House will indulge me so far as to allow me to say a few sentences for myself. When words have been used in debate which have occasioned, or which may occasion, misunderstanding, the person from whom they have fallen cannot feel otherwise than grateful for the opportunity of removing that misunderstanding. Now, in the observations which I took the liberty of making to the House on the Amendment proposed by the noble Lord the Member for London to the Motion for the second reading of the Representation of the People Bill, I had occasion to comment on the objects which, as it seemed to me, that Amendment, as distinguished from the usual manner of proceeding upon such an occasion, was meant to secure. I thought then, and I still hold the opinion, that not only was that view of the subject legitimate, but that it was one which it was absolutely necessary to consider; and in considering it I used the words to which my noble Friend has referred—"political aggrandisement," I think, and "private advantage." I hope the House will allow me to state distinctly the sense in which I used those words. By the words "political aggrandisement" I desired to imply that political importance which attaches to, or which is supposed to attach to, any public man who, upon a great question of public policy, leads a successful assault against the Ministry of the day. In using the words "private advantage" I was referring—I had referred, in point of fact, at some length—to the division—the admitted division—into sections of the party sitting on the opposite side of the House, and to the somewhat peculiar position in which of late the noble Lord has been placed with reference to that party, and I desired to indicate the individual and distinctive advantage which the noble Lord would obtain if he could contrive to raise any question upon which all the sections opposite might unite, however temporary or superficial the cohesion might be. From those words used in that sense I do not desire in any way to withdraw. But I will willingly add this—that if the noble Lord, or any Friend of the noble Lord's, has supposed that the words were used in any different sense, and, above all, if it has been thought that the words "private advantage" were used by me as suggesting any motives approaching a sordid description, or any motives of a private as distinguished from a party and political character, I can only say that such an intention was as foreign to my mind as it would have been unbecoming, and that no Friend of the noble Lord could be more pained at supposing that the words were so used than I should be at finding that they were so understood.

LORD JOHN RUSSELL:—As this rather irregular conversation has arisen, and I am the party principally concerned, I hope I may be permitted to make a brief statement to the House. I have asked for no explanation from the hon. and learned Gentleman of the words which he used. The hon. and learned Gentleman the Under Secretary of State for the Home Department (Mr. Hardy) said that the meaning of the words was, that I wished to replace myself at the head of the Liberal party; and my right hon. Friend the Member for the University of Oxford said that the hon. and learned Gentleman had used the words in the difficulty which the most practised speaker may experience in concluding a sentence at the close of a long address. Now, I was willing to accept either of those explanations. In either of those two senses I could find nothing in the words to which I could take exception. But I felt likewise that the hon. and learned Gentleman, if he did use those words in the most offensive manner, was injuring himself rather than me; and, therefore, I thought that I had no occasion to ask for an explanation. But after what the hon. and learned Gentleman has now said, I must say that I am perfectly satisfied with the statement which he has made, and that I have always admired the abilities of the hon. and learned Gentleman, and that I trust that the talents which he has displayed, both at the bar and in Parliament, may lead him to that eminence which they justly deserve.

ENDOWED SCHOOLS (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

MR. DILLWYN said, he regretted to find that he was compelled to postpone the Motion for the second reading of this Bill. No other course, however, was open to him, in consequence of the length to which the debate on the Representation of the People Bill had extended—a length which was, he believed, in a great measure owing to the fact that hon. Members were, as had been stated by an hon. Gentleman opposite, addressing themselves not so much to the House as to their constituents.

Second Reading *deferred* till *Tuesday*, 12th April.

REPRESENTATION OF THE PEOPLE BILL.

SECOND READING.

ADJOURNED DEBATE.—SEVENTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out from the word "That," to the end of the Question, in order to add the words—

> "This House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure,"

instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."—

VISCOUNT PALMERSTON asked the Chancellor of the Exchequer whether he thought it likely that the debate would close to-night or not? It would probably be a convenience to the House to know.

MR. COBBETT said, he hoped the Chancellor of the Exchequer would refuse to pledge himself to close the debate to-night. The hon. Member for Swansea (Mr. Dillwyn) made a statement which, in his opinion, was not perfectly correct, when he said that hon. Members were desirous of speaking, through the House, to their constituents; but he certainly was himself anxious to speak for a short time upon that subject.

SIR GEORGE GREY rose to order, and wished to remind the hon. and learned Gentleman that, as the Order had been read from the Chair, he might be throwing away his opportunity if he meant to speak upon it.

THE CHANCELLOR OF THE EXCHEQUER:—Sir, I rise "to order," as I do not wish to prejudice my right to speak on the question before the House. I hoped, Sir, the suggestion which I made on Tuesday, that the debate should terminate to-night, met the general wish of the House, and I am perfectly ready, as far as I am concerned, to fulfil my part of the agreement; but this is a matter which must be left to the general wishes of the House. In an important debate like the present, which must lead to serious consequences, I do not desire to take upon myself the responsibility of bringing it to a close against the wishes of hon. Members who think they have not had a fair and adequate opportunity of taking part in the discussion. So far, however, as the Government are concerned, they are perfectly ready to come to a division to-night if that be the general wish of the House. [*Cries of* "To-night."] If, on the other hand, it shall be the general wish that the debate shall proceed, I shall have great pleasure in seconding those wishes; but I hope that if it goes over to-night there will be some distinct understanding — [*Loud Cries of* "To-night"]—that the debate shall close to-morrow night. I must leave it to the House to decide upon the matter, and I feel sure the good sense and feeling of hon. Members will enable them to decide in accordance with the general wish. No doubt it will be for the convenience of the House to come at once to some definite understanding upon the subject.

COLONEL FRENCH said, he thought the matter was in the hands of the right hon. Gentleman himself, for if he would speak to-night the debate would be closed, as the House would not listen to other hon. Gentlemen.

MR. DILLWYN desired to explain that he did not himself say hon. Members were speaking to their constituents; he had repeated what an hon. Member on the other side had said.

Debate *resumed.*

Mr. DU CANE said, that in continuing a debate which would, he believed, be conspicuous in the annals of that House, not so much for the length to which it had extended as for the ability with which it had upon either side been conducted, it would indeed be an act of presumption on the part of himself, a young and inexperienced Member, if he were to say that he could hope, in the few observations he should make, to shed any new light or to throw the weight of any additional argument upon the subject which they had been so long discussing. But the position of embarrassment and difficulty in which the question was placed, and the natural wish which every Member of the House must feel to make known to his constituents not only the nature of the vote which he meant to give, but the reasons which induced him to give it, had induced him, somewhat reluctantly he should confess, to intrude himself upon the notice of the House, and to request their kind indulgence and forbearance, while he endeavoured, as briefly as he could, to state the reasons that had led him to the conclusion at which he had arrived upon that subject. He had never been one of those who thought that it was an error on the part of Her Majesty's Government to deal with that question of Parliamentary Reform. He never had thought that there was anything in Conservative principles which should prevent a Conservative Government from attempting such alterations and amendments in our representative system as the spirit of the age and the growing intelligence of the people seemed justly to demand. On the contrary, he believed that a debt of gratitude was due to her Majesty's Ministers for the manner in which, under circumstances to them of peculiar difficulty, they had endeavoured manfully to grapple with that question. The hon. and learned Gentleman the Member for Marylebone (Mr. Edwin James) had remarked the other night that a measure of reform should be brought forward only by a strong Government. If the hon. and learned Gentleman meant by a "strong Government" a Government that sought to gain the confidence of that House, and to reflect the national opinion of the country by the wisdom, the justice, and the progress of its policy, then he for one most cordially subscribed to the hon. and learned Gentleman's definition. But if, on the other hand, the hon. and learned Gentleman meant by a "strong Government," a Government that sought to rule that House by the force alone of a blind and submissive majority, owning no other ties than those of an implicit party allegiance, then he (Mr. Du Cane) begged to say that in his humble opinion the days of such Governments and of such majorities had passed away for ever. It had been remarked as a singular feature of this debate that scarcely a Member had risen to express an unqualified approval of the measure of Her Majesty's Government. But while he admitted to a certain extent the justice of that remark, he should add that he thought that fact was in great measure owing to the very nature of the question of Parliamentary Reform, which necessarily interfered very rudely with individual fancies and individual interests ; and a similar opposition would perhaps have been offered to any Reform Bill which could have been introduced. But there was another fact which had not been remarked on, and which might, he thought, justify them in hoping that they should be able to effect a settlement of the question, and that was, that while on the one hand hardly a single Member had risen to express an unqualified approval of the Government measure, on the other hand, hardly a single Member—with the exception, perhaps, of the hon. Member for Birmingham, and one or two who sat in his immediate neighbourhood—had shown that he regarded it with an unqualified disapprobation. Another fact was to be borne in mind, and that was that with the exception of the right hon. Baronet the Member for Carlisle, who told the House that he only sat on the Ministerial side of the House by the courtesy of his hon. Friends near him, and not because he sympathized with their political opinions—with that illustrious exception there was not a single Member on that side of the House who had risen in support of the noble Lord's Resolution. Now, it seemed to him from the very commencement of the discussion, and notwithstanding the wide field over which they had wandered in the course of the debate, beginning last Monday week with the history of the progress of the country from the time of the Reform Bill, and winding up only two nights ago in the middle of the plains of Lombardy, that the real question they were called upon to decide was not whether the measure of the Government was the most perfect, comprehensive, and satisfactory scheme which could be laid upon the table of the House, but how they, the House of Commons could best devote their united energies towards effecting, if possible, a satisfactory settlement of the question. And to help them in their decision he thought that at all events one important fact had been elicited in the course of the debate, while on the one hand Her Majesty's Government did not call upon them to swallow "the Bill, the whole Bill, and nothing but the Bill," on the other hand the Government were not prepared to swallow their Bill clogged with the noble Lord's Resolution. They said they might have the Bill, or they might have the Resolution, but they could not have the Bill and the Resolution combined. He would ask how were they to settle the question now before them? Was it by accepting a Resolution which to his mind was purposely interposed at the very threshold of the discussion, to prevent some points of the discussion, and to anticipate others? Was it by accepting a Resolution, which, if carried, would inevitably put a stop to the further progress of this Bill, and retard to an indefinite period any chance of the legitimate settlement of the question? Or on the other hand, although there might be many individual differences of opinion as regarded the merits of the measure, should they allow the Bill to go into Committee, and then and their lend their united endeavours towards altering and amending what might be deemed its most objectionable features? He had not the slightest hesitation in declaring that he should vote in favour of adopting the latter of these two courses. It appeared to him that there had been two important facts elicited in the course of the debate—first, that it was the almost unanimous wish of the House that they should arrive at some settlement of the question in the course of the present Session; and the second was that any measure of reform that might ultimately receive the sanction of the House could only be passed by a system of mutual concession and mutual compromise and that no measure which was based upon any one individual set of opinions on this subject had the slightest possible chance of meeting with a successful issue. Let him (Mr. Du Cane) be allowed for a moment to glance at the various schemes of reform that had either been brought before the House, or indirectly hinted at in the course of the present debate. They had before them the scheme of Her Majesty's Government, and they knew pretty well what were the details of the scheme of the hon. Member for Birmingham, although it was not yet before the House. They were also treated the other night with an exposition of the sentiments of the noble Lord the Member for Tiverton, which appeared to coincide very much with those expressed by the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert) and the two right hon. Gentlemen who sat in his (Mr. Du Cane's) immediate neighbourhood (Mr. Walpole and Mr. Henley). He had heard it stated more than once in the course of the debate that if Her Majesty's Government had placed on the table of the House a measure more in accordance with the sentiments held by those two right hon. Gentlemen it would have been more generally acceptable, and have had a better chance of arriving at a successful issue. He did not for one moment mean to say that, holding as he did certain opinions with respect to uniformity of suffrage which he had previously avowed in that House, he should not have given his support to such a measure. At the same time he was well entitled to ask what security would Her Majesty's Government have had, looking to certain events that occurred last year, if they had placed upon the table of the House a measure based on such principles, that they would not have been outbid upon the question in the first instance? He ventured to ask the noble Lord the Member for Tiverton, if such were his honest sentiments on the question of Parliamentary Reform, and especially as respected the county franchise, why did he and the other hon. Gentlemen near the noble Lord vote for the County Franchise Bill of the hon. Gentleman the Member for Surrey (Mr. Locke King) last year? No doubt he should be told that the preamble of that Bill did not, on its face, express any opinion as to the desirability of uniformity of suffrage; still, its principle was expressed in the manner in which the blanks were filled up, and it was abundantly plain, independently of his speeches, that the intention of the hon. Gentleman the Member for Surrey was to create a £10 county franchise. He should, perhaps, be told that the noble Lord and other hon. Gentlemen voted on that question merely in order to express their opinion that the county franchise ought to be lowered: but the House would permit him to reply, in answer to that, that the Motion he (Mr. Du Cane) moved in that House was the previous question; that voting in support of that Motion would have debarred no Member of the House from considering that subject at some future period, and that, although no definite pledge was made by Her Majesty's Government, he thought they had sufficiently intimated at that time that it was their intention, in the coming Session, to deal with the whole question of Parliamentary Reform. Let him be allowed also to add that at the time that measure was brought forward the Session was very far advanced; they were deep in the discussion of Indian affairs and in the reconstruction of the whole Government of India; there was scarcely the slightest chance of the Bill becoming the law of the land, and even if it became law there was little chance seeing that the business of the Registration courts would have been nearly finished, of its having any practical effect before the House would be engaged in the discussion of the whole question of Parliamentary Reform. He would not presume to question the motives which prompted that decision, for it would ill become him, as a young Member, to ascribe factious or interested motives to any one; but whatever might have been the motives which inspired the decision, the practical effect was that Her Majesty's Goverment had felt themselves to a certain extent bound by that decision; and that they had been somewhat unfairly cramped and fettered in their construction of the measure the House was now engaged in discussing. The noble Lord the Member for Tiverton took credit the other night for the uniform forbearance with which he had treated Her Majesty's Government since their accession to office. Certainly, in the course of this debate he told them that he should forbid them to resign, to dissolve Parliament, or to withdraw the Bill; and declared that they should sit on the Treasury Bench as the slaves of the ring and the lamp, and do the bidding of the House. He thought, however that the noble Lord would have evinced much more magnanimity—would have pursued a far more open course towards Her Majesty's Government—if at the time this question was discussed last year he had stated openly, frankly, and fairly, what were his sentiments on the subject of the county franchise and have left Her Majesty's Government free to accept or reject the proposition of the Member for East Surrey. With respect to the Bill before the House, he could not avoid stating his opinion, and he considered it his duty to express his opinion openly, frankly, and freely, as became an independent Member. While there was much in the scheme of the Government which met with his cordial approbation—while there was much that would form and must form, part of any comprehensive measure of Reform that the House would ultimately pass—there were two prominent features in this Bill with respect of which he could not speak otherwise than in terms of disapprobation. He had no wish to enter into a long story upon the present occasion, and he would therefore say briefly, and without equivocation, that the points in this Bill to which he could not give his assent were the identity of suffrage and the disfranchisement of the freeholders. He would not detain the House by entering into any argument on the question of the freehold disfranchisement. He believed that that question and identity of suffrage were closely connected with each other, and that if they had the one they must have the other; while, on the other hand, if they got rid of the one they must or ought to get rid of the other. Still less did he feel inclined, after the able manner in which that question had been argued in the debate, to go at length into any argument either for or against identity of suffrage. He remembered that when last year he had an opportunity of stating his views upon the question of Parliamentary Reform he touched at some length upon the question of the uniformity of suffrage, and the opinions he then enunciated he maintained still. But it seemed to him that this question of identity of suffrage was a species of chameleon in the Bill, which presented itself in different hues to almost every speaker. They had been told in the course of this debate by some hon. Members that this identity of the suffrage was the main unalterable principle of the Bill; by others that it was certainly a prominent feature of the measure but not its principle; and he also heard it said that the Bill contained no identity of suffrage at all, and it had been further somewhat obscurely hinted that the Bill was no Reform Bill at all. He was somewhat oppressed with the multiplicity of opinions upon this portion of the measure, but he was himself inclined to subscribe to the second class of opinions, that identity of suffrage was a main feature of the Bill as it now stood, but that it was not its principle. He believed, however, that this identity of suffrage was a very different thing from the uniformity of suffrage, pure and simple, which would have been brought about last year by the passing of the measure of the hon. Member for East Surrey in its integrity, and he thought it was very much mitigated by the various franchises which the Bill sought to introduce. He was further inclined to believe that the principle of the Bill was that which was expressed in its title—namely, that it was a measure for the reform of the representation of the people of this country. He did not hesitate to say that if he believed the identity of suffrage was the main unalterable principle of the Bill he should not vote for its second reading; but he would ask any one who had listened to the declaration made by the Chancellor of the Exchequer, any one who had listened to the speech of the First Lord of the Admiralty, whether he was not by this time fully convinced that there was not a particle of this Bill, from its most prominent feature down to its minutest detail, which, if it were allowed to go into Committee, would not be open to the calm consideration and deliberation of the House. He had stated what he disapproved of in the Bill; would the House permit him, in a few words, to state the features of the Bill of which he approved? He approved, first of all, of the manner in which the Bill dealt with the redistribution of the seats; and as he happened to represent a constituency that would be in no way affected by the redistribution contemplated either by this Bill or by the scheme of the hon. Member for Birmingham, his opinion might be regarded as tolerably disinterested. He would pass over, on the present occasion, the opportunity this measure offered for effecting considerable improvements in the law of our Registration. The present state of which could not be considered satisfactory either as respected the Members or the constituencies whom they represented. He would say nothing of the opportunity which, if the House went into Committee upon this Bill, would be given for settling that which had been an annual bone of contention in that House, and which would continue to be so until a Reform Bill had been passed —namely, the question of the payment of travelling expenses for voters. If he were asked what was the chief feature in the Bill to which he gave his firm support, he would say—contrary to the opinion of the noble Lord the Member for London—it was to that portion of the measure which proposed to deal with the working classes in relation to the suffrage. It appeared to him that a franchise founded upon education and upon intelligence, and a franchise based upon an encouragement to the formation of habits of industry and frugality were both such as could not fail to be acceptable to the working classes of the country. He was not inclined to concur in those expressions of contempt which had been used with respect to what were termed the "fancy franchises" proposed by the Bill, either as regarded the numbers they were likely to admit to the franchise, the theory upon which they were based, or the feeling of the people on the subject. He believed that they had obtained from the few public meetings which had been held no real and true expression of the opinion of the working classes; and he thought that the House had received no accurate information with respect to the actual number of persons who would be admitted by the savings' banks and lodgers' clauses. It was his firm belief, that when the House received accurate information upon that subject, the addition to the number of persons admitted to the electoral franchise would be found to exceed by several thousands the number which had been anticipated. It appeared to him that these propositions were based on the only true theory upon which they could admit the masses of the country to the franchise, and introducing as they did a means by which the working classes could easily qualify themselves to receive the franchise, and which would extend the franchise to the industrious and intelligent of the working classes, without extending it to the indiscriminate mass. The hon. and learned Member for Marylebone stated the other night in the course of his speech a fact which he (Mr. Du Cane) thought was one pregnant with warning against the danger of an indiscriminate extension of the suffrage to the industrial classes of the country. The hon. and learned Member pointed to himself as an instance of the sort of men whom the working class would choose as their representative. He (Mr. Du Cane) did not mean to say that that was the fact pregnant with warning to which he wished to allude. He was very glad to see the hon. and learned Gentleman in the House, although a few years ago he employed his great forensic eloquence to unseat him; but he bore no malice for that. But the hon. and learned Gentleman went on to say that in Marylebone, out of a constituency of 20,000, only

10,000 recorded their votes at the last election, and that these voters were comprised almost exclusively of the industrious classes of the constituency. That circumstance might, as the hon. and learned Gentleman said, be a proof of the value the industrial classes placed upon the franchise; but it seemed to him to prove also that in large constituencies, such as Finsbury and Marylebone, the industrious classes of the constituencies had already begun to neutralize the votes of the upper and middle classes; and it might be taken as a warning that if there was a general and indiscriminate extension of the suffrage the effect of it would be entirely to neutralize not only the higher classes of intelligence, but property also. In the hope that the House would consent to go into Committee, he would refrain from further remarks on the details of the measure. He thought he had stated reasons enough why, although not concurring entirely in the Bill, he should refuse to join in the Resolution which they were told was to be taken as a vote of want of confidence in the Government. He thought that during the short time they had been in office the present Ministry had, in what they had done, entitled themselves most fully to the confidence and the gratitude of this House and of the country. Although their measure might not be a perfect one, he would rather join the ranks of those who would help them to amend and improve it than those who would cut the ground altogether from beneath their feet, and retard indefinitely the settlement of this question. He wished now to say a few words upon the Resolution itself. The first part of the Resolution had already, he believed, as good as lapsed; and as to the second half, it must be a very bad Bill indeed that would induce him to assent to a proposition which might mean anything in the world, from the maintenance of the *status quo* down to universal suffrage. Supposing the noble Lord carried his Resolution and made himself master of the situation, what were his intentions in regard to Reform? The object of those who sat behind him was obvious enough. Whatever might be the opinion of the House upon the merits or demerits of the various Reform manifestoes which had been issued from Birmingham and elsewhere, they at least were remarkable for the candour and simplicity with which they had been unveiled. But had the noble Lord no definite intentions of his own? At the present moment he stood before the public and the House very much in the position of that ingenious speculator who, in the days of the memorable South Sea bubble, issued a prospectus, and called upon a confiding public to invest their money in an undertaking "to be of great public advantage, but nobody to know what it is." He ventured to warn the House against the course they were called upon to adopt and reject *in toto* the measure before them. If the question were dealt with at the present time, it would be under the banner of a Conservative Administration, and there was at least reasonable expectation that any measure which might be passed would be a fair and equitable compromise between the various shades of opinions which prevailed in this House on the subject. But let the present moment go by, and the scene wholly changed. This year the alternative might be between the Government Bill amended and improved in Committee and none at all; but next year the alternative must be between a measure emanating from Birmingham, about the details of which they knew a great deal too much, and the measure, of the details of which they knew a great deal too little, which might possibly emanate from the noble Lord. Let but a year go by, and the House would have rejected entirely the Conservative element in dealing with this question; they would find that the hour for voluntary and graceful compromise was past and gone, and that they had inaugurated instead the hour of humiliating concession and forced surrender. He was no advocate of finality in Reform, nor did he think it possible for this or any Government to produce a measure at once so comprehensive and so perfect as to preclude in all future ages any further agitation or reopening of the question. It was an hallucination to expect any such finality as that; and, theoretically speaking, he agreed with De Tocqueville, who, in his work on *Democracy in America*, said that when a nation once began to modify the elective franchise, sooner or later concession followed concession, and there could be no ultimate resting-place short of universal suffrage. In theory this might be so; but practically speaking, he believed that in the history of a country governed by representative institutions there could be passed from time to time such measures of amendment and alteration in those institutions as would, even while they made concession to the voice of popular opinion, tend by their judgment and moderation to postpone the day of what he could not regard as otherwise than the consummation of a universal catastrophe. He did not assert that such a measure was now before the House; but such a measure he did assert it was in their power to construct from the materials with which they were furnished by this Bill. But to do that they must keep before their eyes the real nature of the question which was at issue in this struggle. That question was not the mere rise or fall of a Conservative or Liberal Administration, not the mere claim of rival statesmen to the sweets of office; no, it was the whole system of our Government by representative institutions, the entire constitution of the country that stood arrayed in judgment before them. They might be hurried on by the desire for reckless innovation to undermine in a moment that fabric which for centuries it had been the noblest ambition of our statesmen to rear and to perfect. Or they might on the other hand adopt a hardly less pernicious course, they might keep this question dangling for years before the eyes of the people of this country; they might palter with the people in a double sense, and

> "Keep the word of promise to the ear,
> "But break it to the hope,"

until their feelings and their passions became alike aroused, and it would then be vain to try to stem the torrent or to quell the storm that they themselves had evoked. The right hon. Baronet (Sir James Graham), in one of the most able, and one, also, of the most dangerous speeches which he had ever heard, drew a vivid picture of the gradual approach of democratic invasion. The right hon. Gentleman warned the House that even now the enemy was preparing his forces for attack; but, said the right hon. Baronet, "though I can raise the finger to warn, I feel myself powerless to raise my hand to strike a manly blow in defence of our institutions; no! I prefer rather to imitate the example of the ancient senator, and folding my robes with classic dignity around me to await with a happy mixture of sublime indifference and stoical serenity my coming and inevitable doom." He (Mr. Du Cane) thought they might propose to themselves a nobler course, and might pursue a higher aim. They might throw aside all party feeling and all petty jealousy, and lend, as to a common cause, the united energy, the united talent, the united intellect of the greatest representative assembly the world had yet beheld to amend and improve those institutions they had so long learned to venerate and to protect. One of the greatest and wisest of their statesmen had told them that party was a body of men united for promoting by their joint endeavours the national interest upon some common principle on which they were all agreed. He could have wished that, for the ends and to accomplish the object he had endeavoured to foreshadow, the House would, even at the eleventh hour, and hastening rapidly as they were towards the closing scene of that great debate agree, to adopt Mr. Burke's definition of party. That he could have wished would have been alone the spirit that had animated this debate and regulate their decision, that spirit it was at all events that had induced him to adress these few observations to the House, and to tender as far as the second reading of this Bill was concerned, his cordial support to Her Majesty's administration.

SIR ROBERT PEEL: Sir, I rise to offer a few observations on the most important subject we are now discussing; and, Sir, considering the number of Gentlemen who are still desirous of addressing the House, I think the time for lengthy speeches is wholly gone by; though I have no doubt that to any Gentleman who may desire to address the House, the House will afford their kind and courteous attention. But after this protracted discussion, after the very satisfactory manner in which I think the Bill of the Government has been debated and discussed—"dissected and disembowelled," to use the phrase of the right hon. Member for Ashton (Mr. Milner Gibson)—after the admirable and able speech of the right hon. Member for Carlisle (Sir James Graham), I do not propose now to enter into a lengthy discussion of the subject, or to philosophise with the Secretary for the Colonies (Sir Edward Bulwer Lytton) on the bearing of this "middle-class" Bill. We who rise at this late period of the discussion do so under very considerable embarrassment—almost everything that can be urged has been said —all the points have been alluded to, and it is difficult to engage the attention of the House. I am not going, therefore, to ask them to discuss the letter of Lord Grey, or to offer thanksgivings with the Member for Cambridge town (Mr. K. Macaulay)— I am not going to quote Clarendon, Mackintosh, or De Tocqueville, or to read extracts from the writings of the atheistical friends of the Indian Secretary. I must say I was much surprised that the noble Lord should quote in this House the opinions of a man like Mr. Holyoak. Of course he has a right to quote whom he pleases, but the noble Lord ought to remember that it is he that goes about the country and endeavours to address people in towns against the Bible. The other day he was announced to address a meeting in Doncaster; but there was a universal feeling against it, and the Mayor, who had given his permission for the use of the Town-hall, was obliged to withdraw it. I am not going to draw the House over the ground taken up by the right hon. Member for Coventry (Mr. Ellice) and the hon. Member for Marylebone (Mr. E. James), or to discuss the question of clerks being entrusted with bags of voting papers. But, Sir, if I cannot hope in the discussion of this subject to introduce fresh matter, or materials into a careful examination of the details of the Bill; at least we have the advantage of being in a position to make more direct and positive appeals. We can gain wisdom from the past. We can follow the course of the debate which has already taken place, and, following the example of the First Lord of the Admiralty (Sir John Pakington), in common with one or two others, we can inquire into and discuss the opinions and consistency of some hon. Gentlemen, and then, laying aside all the asperities of party feeling, we can discuss the subject with the honest moderation of the Solicitor General. Now, Sir, I wish to ask the House one plain and simple question—Where are we? I do not mean in what place are the six hundred palpitating Members who are so eager to vote—but where are we in the discussion of this grave and serious question? I have sat here during seven nights' debate almost without solution of continuity. I believe all of us have paid attention to the discussion, and I have sat since Monday week listening to the sentiments of hon. Gentlemen, and I must say that we within the vicinity of the gangway have been positively bewildered, not as to the votes we shall give, but by the opinions we have heard expressed. I recollect to have read that the celebrated John Wilkes in a conversation to which he was admitted with the King, being asked what really were his political opinions, replied—"As regards my own opinions, I, (Wilkes) never was a Wilkite." Many hon. Gentlemen here are much in this position. We have heard opinions expressed on that side of the House that might have come from this, and opinions uttered on this side of the House that might have been supposed to come from the other. We have heard Conservatives expressing not only Liberal but Radical opinions, and on the other hand Gentlemen on this side not only endeavouring to throw dissension among our ranks, but also holding opinions that more properly belong to the other side. Let me give some examples there are the right hon. Member for Cambridge University (Mr. Walpole), and the right hon. Member by his side (Mr. Henley). They have withdrawn from the Government, and they have done so with a dignity which I highly appreciate. Lord Derby admits that he has lost two able and accomplished men, but he admits, at the same time, that he has lost the services of what he calls "his two late right hon. Radical colleagues." I never thought before the right hon. Gentleman the Member for Oxfordshire was a Radical. It must have thrown confusion into the Household of many an Oxfordshire squire when it was announced that Lord Derby took the right hon. Gentleman to be a Radical. Then we heard from the other side a cry which seldom issues from thence, although its influence may be often felt. "Who is afraid of the people?" "I am not afraid of the people," said that burly agriculturist the hon. Member for Dorsetshire (Mr. Henry Sturt) and he added, "I do not fear them because I am a Conservative." Then there is the right hon. Member for Stroud (Mr. Horsman), and I must say I was very sorry to hear the opinions he expressed. Somebody has called him a Paladin, and I must say he did gallop most furiously through the serried ranks of this Opposition. I am rather glad to add that he got a fall and was a little bit shaken; but all danger to his constitution was removed by the very copious doses of "Dover's powders" that were administered to him. Then there was the right hon. Gentleman opposite, the Member for Oxford University (Mr. Gladstone), whose extraordinary power of debate is such that he has constituted himself the glory and ornament of this assembly. I do not say we can very frequently follow his views, or that we always adopt his conclusions; but such are his wonderful periods, such his exalted eloquence, that he is a bold man who can follow him in debate without a feeling of timidity. There, too, is the right hon. Member for Dublin University (Mr. Whiteside), whom somebody called the other night a windy orator. This debate began on Monday week, and certainly, after the speech of the noble Lord the Member for London, it was a little slow; but when the right hon. Gentleman got up to address the House, he spoke with all that torrent, tempest, and I may say, whirlwind of passion, which if it did not add much weight to his argument, at least threw a good deal of spirit and vivacity into the discussion. The hon. Gentleman who has just resumed his seat said he had not quite given up the opinions which he advocated last year, and I was glad to hear that, because those opinions were very strong. Perhaps the hon. Gentleman is not aware of what he did say last year. He then said that he considered the existence of a uniformity of suffrage would put an end to all free and independent legislation. He went on to say that he regarded uniformity of suffrage as erroneous in theory and mischievous in practice; and he also added that "we could not look on tamely"—whatever that means—"and see uniformity of franchise established." Those were the opinions of the hon. Gentleman then; and I am glad to see that he still, to some extent, adheres to them. Well, now, with these varieties of opinion it is no wonder that some hon. Gentlemen should feel a little bewildered as to the votes they shall give, and some new Members, perhaps, may not have made up their minds which of the Resolutions, Amendments, counter-resolutions, Bills, and propositions they shall support. But may I ask the right hon. Gentleman the Chancellor of the Exchequer what he thinks will be the probable fate of this Bill, or may I ask in the language of the fashionable novelist opposite, "What will he do with it?" The right hon. Member for Dublin University had likened the noble Lord the Member for London, the noble Viscount the Member for Tiverton, and a third person—a dark necromancer—to the three witches in *Macbeth* dancing round the cauldron; but I should rather have been inclined to call the attention of the Chancellor of the Exchequer to the words of Hamlet in his soliloquy as conveying a very appropriate application under existing circumstances—

> "To be or not to be—that is the question.
> Whether 'tis nobler for the mind to suffer
> The stings and arrows of outrageous fortune,
> Or to take arms against a sea of troubles;
> And by opposing, end them.
> To die"—

No, not at all. There is no talk of dying. The noble Lord the Member for Tiverton has recommended the Government to go on and take the Resolution of the noble Lord, and, if it is adopted by the House to proceed with it and incorporate it with their Bill. The First Lord of the Admiralty, indeed, has called it a very factious and offensive Resolution. I do not think he is justified in saying so. Let us consider what this Bill for amending the representation of the people really is. There have been many faults found with it, and by no one more than by the right hon. Member for Stroud, who has read the Bill more attentively than any one in this House, or at least ought to have done so before using such strong terms. He disembowelled the Bill, and for that reason he was complimented by the First Lord of the Admiralty. Now, if this Bill be adopted there will be this advantage, that it will lead almost immediately to some practical legislation upon the subject, and that may be of some moment in the eyes of hon. Gentlemen and of the country. But what would the Resolution do? That Resolution at first sight appears to be open to some objections. I say at first sight only does it bear the appearance of an abstract proposition. Hon. Gentlemen may say, We can't determine whether we will vote for the Resolution, because we do not know what is the extent of the noble Lord's opinions. But the First Lord of the Admiralty and the Solicitor General are quite indignant, and they say this Resolution is most irregular and unparliamentary, an opinion which they assert to be based upon the highest authority—out of doors. But we know, Sir, from you that it is quite regular and Parliamentary. But what said that right hon. Gentleman the ex-Commissioner Imperial? He thought there was no precedent for a Resolution being moved, upon the second reading of a Bill which selected one important point specially for objection. The Solicitor General, too, sitting by the side of my gallant relative the Minister of War, said that such a course was unprecedented. But what is the fact? Why, in 1844, upon the second reading of what is called Peel's Bank Charter Act, an Amendment was moved by Mr. Hawes, (the then Member for Lambeth), upon some particular portion of that measure. The House divided — Ayes 185; Noes 30 — and upon that unprecedented occasion, that quite unparliamentary proceeding, voted the right hon. Gentleman the Member for Oxford University and the present Minister for War; whilst the highest authority out of doors, hinted at by the First Lord of the Admiralty as concurring in the opinion that the present Resolution of the noble Lord was irregular and unparliamentary, was Speaker of the House of Commons on that occasion. But it is said hon. Gentlemen do not know what are the intentions of the noble Lord. Upon that subject I think there is little need for uneasiness as to what will be the proceeding for the noble Lord: for such is the growing desire in this country to have this great question of Parliamentary Reform thoroughly considered and satisfactorily settled, that it is clear that if the Government be defeated on this occasion, and shall think it their duty to relinquish office, the noble Lord will, without delay, proceed to lay on the table a Bill bearing on the representation of the country. And more than that; I think the noble Lord, in the event of the House sanctioning his Resolution, will be prepared to avail himself of the earliest opportunity of making a formal statement on the subject. [Lord J. Russell: Hear!] That cheer from the noble Lord confirms me in the impression I entertain on that point, and that he is determined to act in this matter as becomes a Statesman. But the Resolution of the noble Lord involves a serious issue. If this Resolution be adopted, we are told by some right hon. Gentlemen opposite that it will be considered as tantamount to a vote of want of confidence in Government. Now, I for one must say that I see no very great inconvenience in that contingency. This, Sir, is not the first time that we have seen an obstructive and a weak Government removed from their places by a vote of the House, and obliged to give way to men more competent and representing better the feelings of the people. But, as regards the question of Reform, what serious inconvenience can arise if, the present Government being unable to effect a satisfactory settlement of it, it should be necessary to adjourn the solution of it, as the right hon. Gentleman the Member for Ashton and the hon. Member for Birmingham wished, for one or two years longer? [An hon. Member: Five years.] Did the right hon. Gentleman say for five years? Well, that is rather a long time, I confess. Let us say for two or three years, if you please, for argument's sake. But even if we allow this question to stand adjourned for five years, I maintain, Sir, that a little healthy agitation on the question might take place without any evil arising therefrom. I, for one, think that a full and fair discussion of the great principles involved cannot prove otherwise than for the public advantage, and must tend to exercise a wholesome and useful influence on the deliberations of this House. But the noble Lord has been made the subject of some special observations from the hon. and learned Gentleman the Solicitor General. It is quite true, that on Friday the hon. and learned Gentleman thought proper to come down to the House and to express his regret for the intemperate language he had used. The Solicitor General taunted the noble Lord, and pressed him to give some explanation of his intentions. He thought, indeed, he had found a vulnerable point in the noble Lord when he armed himself with some old extracts from public papers with which he felt he could annihilate him for ever. But what, after all, did they amount to? The Solicitor General proceeded to read about something, which somebody had heard from somebody, that the noble Lord had said. The hon. and learned Gentleman, having urged the noble Lord to make some explanation, had the bad taste to impute to him unworthy motives of private advantage. [*Cries of* "No, no!"] I say, yes; the Solicitor General indulged at the time I have referred to in those imputations towards the noble Lord. ["No, no!"] But the noble Lord treated the imputations of the hon. and learned Gentleman with such kindness and consideration that I will not presume to make any further reference to the matter. I may observe, however, I think that the Solicitor General, with his acknowledged ability, should not have permitted himself to be led away into such an objectionable train of observation. The hon. and learned Gentleman should recollect that those who live in glass houses—["Oh, oh!"]—yes, I say that those who live in glass houses should not throw stones. Sir, when I hear the noble Lord, a high-minded Gentleman and statesman, whose conduct we all approve of, attacked in this House in so unbecoming a manner, I think I shall perhaps be acting better by saying no more upon the subject, but leave it to the noble Lord himself to reply to the hon. and learned Gentleman in such a manner as will heap coals of fire upon his head. The Solicitor General sought to injure the public character of the noble

Lord whose Resolution he characterized as a "dodge." The attack did not succeed. The blow intended for the noble Lord has recoiled upon the hon. and learned Gentleman himself, and he has felt compelled to come down to the House and to apologize. I now leave the hon. and learned Gentleman to discuss with his right hon. Colleague the Secretary of State for the Colonies the objects and merits of this "middle-class Bill." I confess I was surprised, Sir, to hear the right hon. Baronet the Secretary for the Colonies say that the main-spring and back-bone of this Bill was to confirm to the middle classes that political power which they had exercised for upwards of twenty years. Well, but the whole of this Bill has been disembowelled to the back-bone by many hon. and right hon. Gentlemen, including the right hon. Gentleman the Member for Stroud (Mr. Horsman), who was, however, highly complimented by the right hon. Gentleman the Secretary for the Colonies for the manly and statesmanlike views he had given expression to in the course of this discussion. But the right hon. Baronet went on to say—

> "I grant the Bill is not one which Gentlemen below the gangway would give if it were their task to make one; but, so far as the Government is concerned, I ask those very Gentlemen, as men of honour, if Lord Derby's Government had passed a Bill according to your models, though you would have accepted the Bill, would you not have despised its authors? Should we not have been traitors to those we represent? We should have come into your camp, not as now, with a fair flag of truce and overtures of mutual compromise, but with standards trailed in the dust, and offering up the keys of every fortress which the loyalty of our partizans had confided to our charge. No! If a Reform Bill such as you desire must be carried, it is for you to propose it; it is not for us. But before you raise the scythe to mow us down, look again at the hour-glass! What is to be the next Government? Can it last if the Member for Birmingham and the noble Viscount, if the hon. Member for Sheffield and the Member for London, do not sit on the same Treasury bench?"

Now, it is quite true that this indeed would be a very singular combination; but we have seen equally extraordinary combinations before this come to pass. It is only necessary for hon. Members to look at the back of this Bill to see, in my mind, as curious a combination—namely, the names of the Chancellor of the Exchequer and the right hon. Gentleman the Minister of War associated together as the authors of this extraordinary measure. Now, what does this Bill aim at? It proposes, forsooth, to amend the laws relating to the representation of the people. Why, it excites the most general dissatisfaction throughout the country, it unsettles existing arrangements, and it does not admit any portion of the industrious classes to the rights to which they are entitled. It admits, no doubt, a new class of county voters into boroughs, and deprives a number of borough freeholders of their ancient rights to a vote. It maintains too all the small boroughs, and enacts a new system of voting—namely by voting papers. Now, I think that there can be no more objectional system than that of voting by means of those papers. A Return has been moved for lately of the number of those who had really voted in the metropolis during the last election. An hon. Member quoting this Return said, look what an advantage the system of voting papers would be to Marylebone, for example, where it appeared that only 10,000 voted out of 20,000 electors at the last election. Now, it is quite true that such was the proportion of those who voted at the last election for Marylebone; but the House would recollect that there were only two candidates at the time, and those two gentlemen belonged to the liberal side of politics. This fact is sufficient to account for the circumstance of so many of the electors having abstained from voting for the important borough of Marylebone. Sir, I consider this provision for voting papers most objectionable. I believe the system will lead to great mistrust, and, as it has already done in the election of poor-law-guardians, it will lead to gross and notorious frauds. I do not know whether the right hon. Member for Leeds is here; but no man knows better than that hon. Gentleman that this system in respect to the election of Guardians for the poor has led to serious and gross frauds in the borough of Leeds. In the words of a Petition presented to this House by the corporation, and others resident in that borough, I must say, Sir, that I am for one inclined to adhere to the principles so ably laid down by the right hon. Gentleman the Member for Carlisle (Sir James Graham). I do not want to see any displacement of the present system for such as is proposed in the measure of the Government. I am not for electoral districts nor for universal suffrage. I adhere to the policy enunciated by the right hon. Baronet, particularly when he said,

> "My belief is at this moment, that the Bill should take as the common point of its departure

the £10 franchise; that it should lower the borough franchise; that it should prohibit the payment of travelling expenses, and should multiply the number of polling places; that it should disfranchise the very small boroughs, and that the measure generally should be so framed that the proper influences in the larger cities should command the support of the majority of the electors."

Now, to such an electoral system as that I for one would be disposed to give my cordial assent. But above all things, in common with, I believe, every Member of the House, I desire to see the principles involved in this serious question treated in such a manner as would lead to a satisfactory settlement of it. I desire to see it treated in some effectual manner—whether it be in this year, or the next year—such as will lead to some settlement of the matter. Now, I do not think that any such settlement can be expected from this crude and undigested measure. The right hon. Gentleman the Member for the University of Cambridge said it was a crude and undigested Bill. I consider that the House of Commons, speaking through its members generally, has said so also; although at the same time they have universally expressed the opinion that it was desirable to take the question into their consideration, with a view to the framing of an efficient measure of Reform. But I contend that the House has already virtually condemned this Bill. I think, Sir, that the House of Commons has acted wisely in this respect. I believe that it has faithfully represented the state of public opinion out of doors, and has thus given an echo to the sentiments which have been expressed upon the platform at every meeting where this question has been discussed. The House of Commons, I repeat, has acted wisely and justly in this respect. Sir, it is impossible we can conceal from ourselves the fact that there is in this House, as well as in the country generally, a growing desire to see the electoral rights extended to the industrious classes who possess intelligence, and who, by their social position, are justly entitled to enjoy those rights and privileges. I trust, then, that the House will not listen to the appeal that has been made to them from the Ministerial side of the House, to adopt that bastard system of legislation which has been proposed to you. I consider the system recommended to us by the Government as a most injurious and pernicious one. If the House wants the question to be boldly and efficiently treated, they must confine the task of framing a measure to those more capable of dealing with it—to abler and better hands. We must look to the noble Lord himself, who has hereditary claims upon the House and the country in relation to this great subject, or to the hon. Member for Birmingham, whose zeal in the cause, as well as great abilities, are generally acknowledged, whose influence out of doors is considerable, and who can give weight and authority to the opinions which he holds upon this question. Now, it has been said that the noble Lord is actuated by party motives; it has been also said that this Amendment has been brought forward as a subtle contrivance to displace the Government. Sir, I for one can safely say I support the Resolution not from any party motives, certainly not from any factious motives, but purely upon public grounds. I can see no such motives as those imputed to the supporters of the noble Lord's Resolution; I believe that the Amendment contains a distinct and definite principle not to be found in the Bill of the Government, and one which Members on both sides of the House — certainly a large majority on this—are prepared to adopt. I should, Sir, be ashamed of myself if, while giving my vote in favour of the Resolution, I did not think that the noble Lord was actuated by the purest motives. I think I am justified in saying so, because some allusions have been made to the debate of last year. I think, in referring to that particular discussion, I can show clearly that I, at all events, was not prepared to give up entirely to that particular party with which I had been heretofore connected, the free exercise of an independent judgment; and on two great occasions I may say I think that individually, I, as much as any one, contributed to place and maintain the present Government in those places which they now occupy. I felt, Sir, the deepest regret, on those occasions, at being obliged to separate myself from a man for whom I have generally felt the warmest political sympathies and the deepest personal attachment. But on this occasion I rejoice to say there is no difference of opinion between us. It has been told us as a taunt that we are divided into three sections. Whatever may be alleged as to the past, never let it be said that at a moment of great national crisis we are divided; but on the contrary that upon an emergency of such an importance, we can merge our differences and become united when we think that such a union will tend to promote the public good. I think, Sir, that that union is now complete, and that we shall, with the exception of one or two desertions, all be found to stand faithfully to those principles which have made the great Liberal party of this country the recognized organ of public opinion. Let us remain true to our colours, not only on the hustings but in this House; and if we are true to the pledges we have given out of this House, we may look forward with confidence to the ultimate decision of this question, we may look forward with hope to the conclusion of this debate. and in the triumphant majority that shall welcome the Resolution of the noble Lord, the people of this country will gratefully recognize the wisdom and the justice of the House of Commons.

Mr. MILNES GASKELL said, he did not rise to follow the hon. Baronet who had last spoken (Sir Robert Peel) through the discursive speech which he had just delivered, but to state as shortly and clearly as he could the grounds upon which his own vote would be given. If he had had the good fortune to concur in opinion either with Her Majesty's Government upon the one side, or with the noble Lord the Member for the City of London (Lord John Russell) upon the other, he should have been perfectly satisfied to give a silent vote, and to leave the discussion in the hands of those who were more accustomed than he was to take part in their debates. But there were occasions on which it was almost a duty upon the part of independent Members of Parliament, in justice to their constituents, and in justice to their own convictions, to come forward and avow the sentiments they entertained upon questions of great public interest. There were many provisions in this Bill to which he (Mr. Gaskell) was altogether unable to assent, while at the same time he could not vote for the Resolution which had been moved by the noble Lord. It appeared to him that a false issue was raised by that Resolution, and that this was not the time or the manner in which the propositions contained in it could be most advantageously discussed. He repeated, however, that there were many provisions in the Bill to which he was not able to assent. He could not bring himself to approve the uniformity of suffrage, of which they had heard so much; he had always been of opinion that that House should contain the representation of varied interests, and that they should find their way to it by a great variety of rights of election: he did not believe that uniformity of suffrage would produce a just representation of those interests, and he should regret the success of any scheme which went to substitute—in however modified a form—the representation of numbers for the representation of classes. He was glad that Her Majesty's Government had agreed to alter, and he trusted that in the event of their going into Committee they would consent to abandon that portion of the Bill which affected the franchise of the county freeholders in boroughs. In his (Mr. Gaskell's) opinion, the security to be derived from such a measure would be wholly illusory; he believed that it would have the effect of estranging and of irritating a respectable and loyal body of men, and that no countervailing benefit would be obtained. He doubted the policy of establishing a non-residential suffrage in towns, and distrusted the system of voting papers which it was intended to introduce; he could not help concurring in opinion with the right hon. Baronet who sat near him, the Member for Carlisle (Sir James Graham), that this last proposal contained the germ of secret voting at elections, and to secret voting at elections he was firmly and irreconcilably opposed. For himself, he did not hesitate to say that he would rather vote for universal suffrage to-morrow than for the adoption of vote by ballot; he would rather face what he believed to be a great public danger than acquiesce in what he should feel to be a great national degradation. Those, however, were matters that could be discussed hereafter; the questions now before the House were these —was an abstract Resolution the most convenient and most fitting mode of testing the opinion of the House of Commons with reference to this Bill, and was it or was it not desirable that they should make at least an attempt to legislate upon this subject during the present Session? Now he, (Mr. Gaskell), was ready to admit that he was one of those—of what he believed to be a very numerous class out of doors, whatever it might be in that House—who regretted that under the present circumstances of the country Her Majesty's Government had brought this question forward. The regret he felt was not founded upon any distrust of the loyalty or of the intelligence of the people; it was not founded upon a disbelief in their fitness to exercise the elective franchise; it was founded upon the state of public opinion, upon the state of parties, and upon the state of Europe. In the first place he (Mr. Gaskell) did not believe that there was at present such an agreement of opinion among moderate and reflecting men on the subject of Parliamentary Reform as afforded the prospect of satisfactory legislation. He did not believe that there was any general desire in this country for extensive organic changes in the Constitution. He believed that the agitation upon this question was more a factitious than a real one: he believed that there was little sympathy with those who desired to see that House usurping all the powers of the State, and who sought the undisguised and unrestrained predominance of democracy in the institutions of the country. In the next place he was of opinion—and nothing which he had heard in the course of this debate had tended to change or weaken it—that no Government ought to undertake the settlement of such a question unless it was strong in Parliamentary support as well as in public confidence, and in his (Mr. Gaskell's) opinion, the first of these conditions did not sufficiently exist in the case of Her Majesty's present Administration. He owned too that in the present state of Europe—with the various complications that still existed—with the war of opinion that might not impossibly be impending, he thought it would have been a wiser course on the part of Her Majesty's Ministers resolutely to decline acceptance of the engagements to which the noble Viscount (Viscount Palmerston) had referred, and the consequent responsibility of aggravating the difficulties with which the Parliament and the Government had to deal. He believed that the people of this country would have been content to wait for a measure of Reform till it could be introduced by an Administration that was not only disposed to satisfy reasonable claims upon the one hand, but strong enough to resist the too rapid and too rash advance of democratic influence upon the other. He believed that the haste to legislate had arisen more from inconsiderate pledges than from any real necessity—more from the supposed convenience of rival politicians than from any deepseated or any deliberate wish, either upon their part or upon the part of the people of this country, to tamper with the existing constitution. But the subject having been mooted, it was no longer a question of what was wise only, but of what was possible, and unhappily they were in a position in which it was alike difficult either to advance or to recede without discredit and without risk. Whatever might be the immediate result of the division upon this question, it was his earnest hope that the majority of that House would be found to act in a spirit of fairness and moderation, and with the sincere and single object of endeavouring to promote the public welfare. If this Amendment should be successful, he trusted that his right hon. Friend the Member for Coventry (Mr. Ellice) and other gentlemen who sat above the gangway upon the benches opposite, and who, in his conscience, he believed, disliked the Resolution as much as they disliked the Bill, might never have cause, in their better judgment, to look back with regret upon the vote which they were about to give. If, on the other hand, the Amendment should be rejected, its rejection would not be without its value to the House and to the country: it would give time to men of moderate opinions, by whatever party nickname they might choose to call themselves, to form a juster estimate of the responsibilities of their position, and to sacrifice more of personal predilection to the paramount requirements of the public good. If the House should be of opinion that this Bill was susceptible of amendment, let them endeavour to amend it—if they were of opinion that it was incurably defective, let them vote with the Member for Exeter (Mr. Divett) for rejecting it—if they thought that the time had come for the formation of a stronger Government—if they believed that the materials existed for the formation of such a Government—or rather, if they believed that practically there was the power to form it,—let them try that issue: but in any case let them decline to adopt the Resolution of the noble Lord (Lord John Russell)—let them refuse to hamper themselves by vague and unnecessary pledges—let them decline to embark upon a course which it might be impossible to retrace, as well as dangerous to pursue—let them decline to infuse new elements of hazard and confusion into a state of public affairs which already teemed with difficulty—let them pause before they incurred the smallest risk of doing that which had been denounced by the noble Viscount (Viscount Palmerston) in such eloquent and such emphatic terms—the risk of flinging the constitution of their country to be fought and scrambled for on the hustings at a general election—before they took part in the responsibility which must attach to those who referred the gravest and dearest interests of England to the very worst tribunal for statesmanlike and temperate adjudication.

Mr. SLANEY said, he would venture for a few moments to address himself to the Bill and to the Resolution. The Bill had been much condemned on his side of the House; but for himself, he must say in its favour, that it for the first time developed the principle of giving votes for personal property. He thought that was a most valuable principle, and one which should not be lost sight of in any Bill which might be passed by that House. Another valuable provision in the Bill was, that which would give a franchise to lodgers and to professional persons. They owed a debt of gratitude to the Government for having lowered the franchise in counties, but he regretted that they should have inserted the clause about the borough freeholders, and that they had not been persuaded by their right hon. Colleagues who had seceded from them, to make some diminution in the borough franchise. While the population of counties since the last Reform Bill had increased 10 per cent every ten years, the population of towns had increased 30 per cent every ten years, and it was admitted by every one that the franchise in boroughs ought to be lowered. On this ground he felt bound to vote for the Resolution; but he earnestly hoped that the Government would accede to the views of the majority on the two points to which that Resolution referred, and carry through a Bill which would meet with the concurrence of the great body of moderate men in the House. The improved conduct and increased education of the inhabitants of towns entitled them to some concession, and almost every speaker on the Ministerial side had expressed willingness to assent to it. He did not speak as a party man. He had always voted with the Opposition side of the House; but, having voted for enfranchising Manchester, Birmingham, and Leeds, and subsequently for every clause in the last Reform Bill, it was only consistent that he should vote for a fair and safe extension of the franchise to an intelligent portion of the community who did not now enjoy that privilege. The right hon. Gentleman the Member for Stroud (Mr. Horsman) had said, that the Liberal party was broken and disjointed; but the reason was, that every measure which for thirty years they had advocated, and the advocacy of which bound them together, had been gained. He rejoiced to find that liberality of sentiments had spread to right hon. Gentlemen on the Ministerial benches, and he thought that the absence of any broad line of demarcation was of great advantage to the country.

Mr. E. C. EGERTON wished to state in a few words the reasons which would induce him to vote against the Resolution of the noble Lord. He had had considerable difficulty in making up his mind; but his desire to see the question settled had outweighed his objection to the Bill, and he had decided to vote against the Amendment. The necessity for Reform had been admitted on all hands; and, from the moderation of the views expressed by the various speakers on both sides of the House, he inferred that if a measure had been proposed by the Government which did not contain any innovations, and which extended the franchise in the right direction, both in counties and in boroughs, it would have met with general support. As regarded the Bill before the House, he regretted to say that, although there was in his opinion much good in it, there were also many parts to which he could not give his adhesion. He regretted that it had been proposed to disfranchise a large number of freeholders. He believed that the class of persons affected by that proposal had as a body exercised the suffrage in an honest and independent manner, and there was something that looked like retaliation in the proposal of the Government to transfer their franchise from counties to boroughs. Another thing which he thought very objectionable was the proposal to give non-resident persons the right of voting. What had weighed most with him in considering how he should vote was the necessity of some speedy settlement of this great question. Parliamentary Reform had been alluded to in more than one Speech from the Throne; it had been dangled before the country for five or six years, and the hearts of the people were beginning to sink within them on account of its having been so long made a handle of for political parties. It was for these reasons that he should vote against the Resolution. He would have been glad to see the franchise extended with a more liberal hand to the inhabitants of boroughs, believing that the time had come when many of them who did not possess it ought to do. The spread of education and intelligence among the working classes since the Reform Bill of 1832, and the interest which numbers of them manifested in the cause of social improvement, entitled them to the franchise, and afforded a guarantee that it would, on the whole, be safely exercised. To illustrate the improved feeling which prevailed among the working classes, he might refer to their recent conduct in the borough which he represented (Macclesfield). In that borough there was during the last winter almost the greatest amount of commercial distress that ever had been known there. Through the failure of the silk trade, thousands of operatives usually in the receipt of good wages subsisted on private charity, yet hardly a murmur or complaint was heard. Let hon. Gentlemen compare this state of things with that which existed a few years back, when under circumstances like those which he had described people who were subject to distress cried for "blood or bread." There could, then, be no better time for settling this question than the present, and he trusted, therefore, that the Government would reconsider their decision and would not abandon the Bill, even if the Resolution should be carried. They had a duty to perform, and they should not be insensible to the honour of settling this important question.

Mr. COBBETT said, it was his intention to vote in favour of the second reading, mainly because by taking that course the House would be enabled to get at that work on which they were all desirous of entering, and because the carrying the Amendment would lead to infinite delay. He did not approve of the Bill — the whole Bill. There were many of its details of which he disapproved; but he approved of one great feature in it, and that was that it opened the whole question of Reform in its full scope. It opened widely the question of a new Reform Bill, and it brought under the consideration of that House the regulations with regard to the manner of recording votes for Members of Parliament; it contained a variety of new franchises; and it opened many other points which had been discussed for some years by persons interested in Reform, but which had not found a place in any scheme of Reform which had been introduced since the Act of 1832. Why not, then, go into Committee on the Bill, where they would have the opinion of the House pronounced on all the details of the franchise after they should have been fully discussed? This course would end discussion on these points; and this appeared to him to be so great an advantage, after so many years' agitation of them, that of itself that would be an inducement to him to vote for the second reading. The Bill was so wide in its scope that it would give room in Committee for discussing even the question of voting by ballot, as the registry of votes was opened by the very title of the Bill; so that the hon. Member for Bristol (Mr. H. Berkeley) could, in Committee on the Bill, move his Resolution for the ballot. And so with regard to many other points in which Reformers took an interest. That was another reason for voting for the second reading. He would not now go much into detail, because he believed that could be done better in Committee; but there was one point on which he wished to say something, because he believed he was singular in his opinions on it—he believed, indeed, that he agreed with those only who had framed the Bill—he alluded to what was called the disfranchising of the 40*s.* freeholders in boroughs. So far was he from thinking that the proposition that the Government with respect to these freeholders was a violation of the constitution, that he believed that it was strictly in conformity with the constitution. The noble Lord the Member for the City of London had said something about hon. Members going to the hustings with the Bill in their hands, and denouncing it as a violation of constitutional rights. All he (Mr. Cobbett) could say as to that point was, that he was of opinion that any such denunciation would be a misrepresentation of what our constitution really was. The statutes 7 & 10 of *Henry* VII., limited the franchise in counties to freeholders residing on freeholds of the value of 40*s.* by the year at least. But they must be resident freeholders. The right of voting in towns and counties was quite distinct, and the aim of the statutes of Henry VII. was to secure for counties a resident body of voters. The franchise in boroughs was the occupation of a burgage tenement. The town and the county were then totally distinct, and, in his opinion, if they were totally distinct now it would be very much to the advantage of the representative system. At the time of Henry VI. Members of Parliament received wages. The knight of the shire received his wages from the shire itself, from the county rate; the burgesses and the citizens sent to Parliament, received their wages from the borough rate or the city rate. But could it be argued, could it be supposed for a moment, that there could have been a voter in a borough voting for a knight of the shire, and that that borough could be called on to contribute one farthing to the wages of the knight of the shire? This appeared to be evidence so strong that the town and county were separate, and that there was no inter-commoning, as it were, in voting between town and county that he could not help thinking that if they passed this Bill as it was, and disfranchised every freeholder in cities and boroughs, they would not disfranchise a man who, according to the old constitution of the country, had a right to a vote for the county. This was a most interesting and important point; and, if for no other reason, he would vote for the second reading of the Bill, in order that the question might be fully discussed. The right hon. Member for Carlisle (Sir James Graham) and the hon. Member for Birmingham (Mr. Bright) approved of the present system of voting in counties for borough freeholds; and the right hon. Baronet said this was the salt that savoured the county constituency. It would be more correct to say that they swamped the county constituency. He was himself one of that class for which so much sympathy had been expressed. He was a freeholder in the borough of Brighton, not occupying his freehold; he had a vote for East Sussex. Well, at the last election for East Sussex the county was swamped by the freeholders from Brighton. Out of 6,000 voters, no less than 2,500 came out of Brighton alone, and of course exercised a great influence in the county election. Now, he did not call that a "savouring." If the right hon. Baronet's dairy superintendent brought him a pat of butter for his breakfast consisting of one-half of salt, he would not say it was a well-savoured pat. And surely it was more proper to say that the constituency of the eastern division of the county of Sussex were swamped by Brighton, than to say it was "savoured." He was attracted by the part of the Bill relating to this matter when it was laid on the table. It appeared to him to embody the just principle of representation—that the counties should have the power of expressing their own opinion apart from the opinion of the boroughs, and *vice versâ.* This was in accordance with the spirit of the constitution, and the present system was not, and ought to be got rid of as soon as possible. He was disappointed that there was no clause in the Bill giving to the labouring classes in cities and boroughs a greater extension of the suffrage than they now possessed or would possess under the Bill. On that point he should be with the noble Lord the Member for the City of London, he dared to say; but that noble Lord did not allow him to decide, for he stated nothing. The Bill in that respect was bad enough; but the Amendment appeared to him to be equally bad. A Gentleman who had been, he believed since 1819, an active Reformer, who had mooted Reform more than any other man, who had studied the constitution of the country so thoroughly as even to have written a book on the subject, surely must have made up his mind as to the extent to which he would go in giving the borough franchise. But it was worse than this. The noble Lord, in 1826, on the 27th of April in that year clearly laid down the principle which should obtain in the borough franchise. The noble Lord at that time was moving on the subject of the Reform Bill, and he said—

> "It was the original practice to have all the inhabitants included in the class called burgesses, and equally entitled to vote at the election of a Member of Parliament. There was an authority, which he would now quote from—an authority which hon. Members opposite would be little disposed to question, and which, in no quarter, would be disputed as to its legal value—he meant that of the Lord Chancellor. That noble and learned Lord, at a hearing before the Privy Council, had stopped an advocate for the purpose of giving his opinion, which was to the effect that anciently all the inhabitants of boroughs, both in Scotland and in England, were entitled to vote. He would, therefore, take it for granted that, in point of law, this right was fully established, and that the original principle of our constitution was—first, that the knights of the shire were elected to serve in Parliament by all the freeholders of each county; secondly, that the citizens were sent from the cities by the inhabitants at large; and, thirdly, that the boroughs possessed the same privileges."—[2 *Hansard*, xv. 654.]

This was in 1826; and since that time there had been no variation in the law; he hoped there had been no variation in the opinion of the noble Lord. Some persons were afraid of the admission of the many to the franchise; but hon. Members were day by day becoming less afraid. The noble Lord gave strong reasons for not being afraid on the same occasion. He stated that the constitution itself had been modified by the House of Commons, elected under such a franchise, and that to this was to be attributed the advance in liberty which England had made. He said—

> "And what had been the result of this species of Government, which had prevailed in the times of our ancestors? He felt no hesitation in saying that it was to this that we owed the establishment

> of those principles on which our liberties were founded. A right hon. Gentleman had said that he knew nothing of these early Parliaments, but that they met for a fortnight, voted subsidies, and then departed to their respective homes; but he begged leave to say that it was the constant practice of those Parliaments, before they voted subsidies, to see that grievances were redressed, and that the rights of the people were not infringed upon. It was under such Houses of Commons that the great principles of public liberty were asserted and confirmed."—[*Ibid.*]

He was disappointed that the noble Lord who thus thought in 1826, and had laid down in that solemn manner his own views and the law with regard to the rights of the people, gave nothing more than the Amendment that the Bill did not provide for a greater extension of the suffrage in cities and boroughs. This question was of such great importance that the sooner they considered it in a business-like manner the better; and his opinion was, that by going at once into Committee they would the sooner arrive at a termination which would satisfy the demands of the people. It was no slight disadvantage to keep up perpetual agitation. His practice was to go among the people and ascertain from them of what they complained, and then to tell their grievance as well as he could to the House. From long habit and from instructions given to him in his early days—he did not call himself a man of the people or anything of the kind—but he had a strong desire to see those who laboured, whether at the loom or upon the land, in a better condition than he now found them. He knew that there were those who suffered greatly both at the loom and upon the land. He thought the utmost attention ought to be given to them; and his firm conviction was, that if increased attention were so directed, it would be found that changes were not required, which some called organic; that they would not be found so anxious for changes—some of them fanciful, others just—but that they would be found satisfied with the efforts which the House of Commons made in their behalf, less liable to be deluded by those who wished to delude them, and that they would be better represented than they were represented at present. He did trust that the House would read the Bill a second time, and then discuss it in Committee.

Mr. COLLINS said, that no one could doubt that whatever was the avowed object of the Resolution, its real intention was, not to amend the Bill, but to destroy the Ministry. He was not, however, of those who were inclined to throw odium on the noble Lord for the course he had taken in moving the Resolution. If the noble Lord believed that it was for the welfare of the country that a transfer of the power of the country should take place from those who held it to those who sat on the opposite benches, and if he believed that his Resolution embodied an abstract truth, the noble Lord was justified by the practice of the House. He (Mr. Collins) was in the House in 1852. He recollected the noble Lord the Member for the city of London at the head of the Government, and the noble Lord the Member for Tiverton sitting on the benches below the gangway. The noble Lord the Member for London brought into the House a Bill to amend the laws relating, to the Militia, and the noble Lord the Member for Tiverton not only objected to the form of the Bill, but he said that although he would prefer his own Bill, if the House thought differently he would give way. The noble Lord the Member for the City of London was at the head of the Whig Government. He had in the previous year written that letter to the Bishop of Durham which would ever leave a tarnish on his name as a statesman of prudence. He had, in a lofty spirit, denounced the religion of 7,000,000 of his countrymen as "mummery and superstition." Well, on a Motion of this sort the Government of the noble Lord fell. Years rolled on and the noble Lord the Member for Tiverton managed to become the leader of the great Liberal party. In the spring of last year a Resolution was moved by the right hon. Member for Ashton-under-Lyne (Mr. Milner Gibson). The first reading of the Conspiracy Bill was objected to by the noble Lord the Member for London, who was unwilling to share in the shame and humiliation which the then head of the Government was endeavouring to inflict on the country, and he took advantage of the adroitly-worded Resolution of the right hon. Member for Ashton to upset the Government of the noble Lord. Therefore he (Mr. Collins) thought the noble Lord the Member for the City of London was justified in the course he had taken by these two remarkable passages in our history. The noble Lord the Member for the City of London had commended the legislation which had been effected since 1832; but he (Mr. Collins) doubted whether such great measures as the Reform Bill, the repeal of the Test Act. and the Bill for the emancipation of our Roman Catholic fellow-subjects, would have passed so easily in the reformed as they did in the unreformed House of Commons. The noble Lord the Member for the City of London brought forward, as matter of complaint, the disfranchisement of the borough-freeholders; but he did not, at the same time, remind the House that he himself in 1832 introduced a measure which disfranchised sixty boroughs, and partly disfranchised many more, or state what was probably the fact, that at this moment his pocket contained a new Reform Bill, framed for the purpose of disfranchising several or many others. In the West Riding there was a rural population consisting of upwards of 700,000 people, who were represented by two Members, and in the same portion of the country there were ten boroughs, containing 400,000 people, who were represented by sixteen Members. He thought it was not just that the boroughs should not only have a specific representation of their own, but should to a great extent determine that of the rural districts also. This state of things evidently required alteration, and he thought the Government Bill would provide for the necessary change. There was no force in the arguments against the introduction of non-resident electors into boroughs. The owners of property in a borough, no matter where they resided, were fully as much interested in its welfare as the temporary occupants of its houses. He did not object to the principle of identity of suffrage; at all events, nobody could seriously propose, after what the House had done to fix the county franchise at £20 instead of £10. Most of the objections that had been made to the Bill were, he thought, groundless; while those for which there was any foundation might safely be dealt with in Committee. The Bill evidently provided a means of enfranchising an immense number of people, and as a proof of the benefit it would confer by that clause which gave the suffrage to those possessing borough leaseholds, he would read an extract from a letter he had received from a Friend at Manchester. It was as follows:—

> "The Bill will enfranchise several thousand leaseholders who never could vote before in boroughs. At the lowest computation there are at least 2,500 such leaseholders in Manchester, and out of these there are only 317 on the register having county votes in respect of their property."

There were, besides the clause just mentioned, other provisions in the Bill which would greatly extend the suffrage; but the portions of the measure he liked the most were those providing for the extension to borough leaseholders, copyholders, and possessors of funds in savings' banks. He did not like the Bill altogether, for it did not make what he thought an adequate provision for the representation of the lower classes. It was desirable to provide for as many suffrages as possible; but the great difficulty in extending the suffrage to a very numerous class was to find those who should fairly represent it without making the whole class the dominant class. He thought the best way would be by restoring the old "scot and lot" voting that formerly existed in boroughs, and which had been abolished by the Reform Act of 1832. As to the extension of the suffrage in boroughs and cities proposed by the second part of the Resolution, no method was suggested by which that extension should be made. The question was, whether by passing that Resolution the great and principal object—that of obtaining substantial reform—was likely to be effected. He thought it was not possible that such a result would follow. It was wrong, then, to fix such a stigma upon the Government as that involved in the imputations so freely levelled against it by those who had spoken in opposition to the measure. It was all very well for the noble Lords, the Members for the City of London and for Tiverton, to recommend the Government to take the course they had suggested; but would either of the noble Lords, if they were in office, follow such recommendations? They knew they would not. The question of Reform was too large to be treated on party grounds; the Bill of the Government contained the basis of a large and generous extension of the suffrage; it was no doubt capable of great improvement in Committee, and he thought the House should go into Committee and effect such improvements as inquiry should show to be advisable.

MR. SUTTON WESTERN said, at the present stage of this lengthened debate it would ill-become me to occupy the time of the House, by entering into those wide constitutional principles which, though directly involved in the question before us, have already been so effectively discussed. But before recording my vote for the noble Lord's Resolution, I am anxious to justify the course I shall take, by a very few words, confined to a single point which is itself raised by a single portion of that Resolution. I allude to the transfer of the county freeholds to boroughs. I object, Sir, to that transfer, not merely because, for the most part, the freeholders proposed to be transferred already possess borough votes, so that in their case the transfer is merely nominal, and is in fact an injurious diminution of the popular voice in county constituencies. But I would quite as emphatically protest against the operation of the clause where it really operates as a transfer, and does give the freeholders in question borough votes which they did not before possess. The mischief, Sir, is that in such cases the new borough electors will nearly all of them be found to be non-resident. It has been argued that individually they would be benefited by the transfer, that their votes would be more valuable when exercised in a borough than a county, because, forsooth, the value of a vote is to be taken as being in an inverse ratio to the size of the constituency. But, Sir, in the first place, it seems, in my humble judgment, a very rash proceeding to meddle with the foundation of the constitution for the sake of conferring upon individuals a benefit which they themselves do not desire or demand. If this is the boon you describe it, where are the petitions in its favour? But, in the next place, the question of benefit to the voter is surely quite subordinate to the real issue which cannot thus be narrowed. What, I would ask, is the effect of the transfer on the boroughs themselves? Why should these constituencies with their special local interests, be inundated by non-residents, comparative strangers it may be to those interests,—and who, if the system of voting papers were adopted, need not ever approach the borough, even on the occasion of an election? The hon. Member for Maidstone (Mr. Hope) has urged the other night that the transfer is absolutely needed to prevent an undue proportion of the "town element" in counties; an evil, he says, which might otherwise be apprehended from giving county votes to £10 householders. But what is this but to take for granted that the freeholders thus transferred must necessarily be townspeople, because they have 40*s.* freeholds in a borough? Why, Sir, I venture to submit that such an assumption involves a complete confusion between the terms of "town and borough;" and to illustrate what I mean, perhaps I may be allowed to glance for a moment only at the constituency which I have the honour to represent. The borough of Maldon extends seven miles all round the town of Maldon. Need I remark that it would be a very wild assumption indeed to say that everybody who resides in that area, with its diameter of fourteen miles, was a townsman either by habitation or interests? So that it follows, that if you made residence within the borough a condition of the transfer, you could not be sure you were only importing urban voters. You could not be sure in short you were not depriving the county of voters, rural to all intents and purposes, in order to import them into a borough, to whose interests they were comparative strangers. But that is not all, for the Bill does not even insist on residence within the borough area. The transferred voters may be living in the remotest corner of the county, or possibly in some other county altogether. I must, therefore, confess my inability to conceive the force of the argument founded on the necessity of withdrawing from the counties an excess of urban voters, were it true, even in point of fact, that there is any risk of such an excess, which I take it has yet to be proved. Sir, I will not trespass further on the kind indulgence of the House. There are other obnoxious clauses in the Bill, which it will be my duty to object to, should it ever go into Committee; at present I need only say, that I shall support the Resolution: first, because I think the particular provision to which I have confined my remarks, where it merely destroys second votes, would be detrimental to the popular voice in counties, and be so far a retrograde step; next, because where it actually creates new votes, it would be injurious to the boroughs by introducing into them a foreign element; and, lastly, because I fully accede to the noble Lord's proposition, that the borough franchise is at present too high, and may safely be extended.

MR. W. N. HODGSON said, he rarely occupied the time of the House, but this was a question in which every constituency of the empire was more or less interested: the House would, therefore, bear with him while he made one or two observations, and gave the reasons on which he should vote against the Resolution of the noble Lord. He had listened to the debate with considerable attention, and had heard some eloquent speeches delivered; but he could not but think that the House had not treated Her Majesty's Government with the candour and fairness it deserved at its hands. There had been several futile attempts to settle this question of Reform;

in 1852 the noble Lord (Lord J. Russell) endeavoured to settle it, but was obliged to abandon his measure; in 1854 he again introduced a Bill on this subject, and again he was compelled to withdraw it. He, therefore, thought that when Her Majesty's Government introduced a Bill of such a nature as the present it ought to have been treated in a manner very different from that proposed by the Resolution of the noble Lord. He did not mean to say that he did not entertain objections to the present measure, but he entertained no objections that might not be removed in Committee. He concurred in the opinion that identity of franchise in counties and boroughs was not desirable in this country. The ancient franchise in counties was based on property, and the electors might either be resident or non-resident in the counties for which they voted. On the other hand, the different franchises which prevailed in boroughs from an early period—burgage tenure, scot and lot, frank tenure, and the potwallopers — always implied residence, and the freemen were obliged to be members of the Guild in the City where they were entitled to vote, and where they were originally presumed to reside. It was evident that the voting for counties and for boroughs was based upon a different principle. But the objection to the identity of franchise proposed by the Bill might be got rid of in Committee on the Bill, either by raising the proposed county occupation franchise to £20, or lowering the borough franchise to £8. Either of those propositions he would be ready to support if the Bill went into Committee. As respected the savings' banks clause, he should be prepared to reduce the amount from £60 to £40, which was about the sum for which a man could now obtain a freehold vote for the county. He should be also ready to lower the lodging-house franchise from 8*s.* to 6*s.*, or 5*s.* a week. There was another sort of franchise not in the Bill, which he thought might be safely adopted—a franchise which would include all the highest class of artisans in the towns of England. He should say that if a man could prove that in the year previous to the registration he had, by his ability and industry, been enabled to clear £100, that man might safely be intrusted with the suffrage. From his experience of the working men among his constituents, who earned their bread by the sweat of their brow, he was decidedly of opinion that the franchise might be safely extended to a large number of that class. Hon. Members were all in favour of enlarging the franchise, and the only difficulty was to know where to stop, so as to exclude the idle and dissolute, while they endeavoured to enfranchise the intelligent and educated working men. He was a good deal surprised to hear the eulogium pronounced by the noble Lord the Member for London on the 40*s.* freeholders. His own experience did not induce him to attribute to them in the exercise of the franchise the same independence as the noble Lord had done. The mere 40*s.* freeholder was generally a dependent on the neighbouring squire or farmer who employed him, and at whose disposal his vote was placed; or he was under the influence of a neighbouring attorney, who held his title-deeds. He had another objection to that kind of vote — namely, that it was easily manufactured. He knew a house in the city of Carlisle in respect of which there were no less than twenty-four freehold votes, and in another case there were sixteen. He thought that a kind of vote which could be manufactured like that, and then used to swamp the voice of the legitimate constituency of the county did not deserve the eulogium the noble Lord had passed upon it. This practice would be stopped under the present Bill. From what fell the other night from his right hon. Colleague in the representation of Carlisle, it might be inferred that the ballot was making great progress in that city; but he had since received a communication from some of the most educated, intelligent, and respectable persons among the constituency assuring him that, on the contrary, the ballot had made no progress there, and that, in fact, the feeling for it had rather diminished than otherwise. It was true that lately a resolution was passed at a meeting calling on the Members for Carlisle to vote for the ballot, but that meeting did not by any means represent the constituency of that important place. He had been surprised to hear hon. Gentlemen on the Opposition benches advising the Government on the course they should pursue, and recommending them to withdraw the Bill. He did not join in any such advice. He thought that the Bill contained much that was good, and he thought that if it were allowed to go into Committee, this great Reform question, which had been so long agitated, might be brought to a satisfactory conclusion. The hon. Gentleman who advised the Government what they should do did not suggest to the noble Lord the Member for London what course he ought to pursue. Now, he (Mr. Hodgson) would advise the noble Lord to withdraw his Resolution, and allow the House to pass to the considerstion of the important measure before the House, which, he believed, the great body of the people desired to see read a second time. He should therefore, give his vote against the Resolution, and in favour of the second reading of the Bill.

Mr. **WYVILL** said, he was anxious that the question of Parliamentary Reform should be settled, and believed that this Bill might be amended in Committee in such a manner as to render it a valuable measure. He also believed that if the Bill were rejected, it was impossible that any measure of Parliamentary Reform could be passed during the present Session. Was the House prepared, then, to allow this opportunity of progress and amendment to pass by, and did hon. Gentlemen deem it advisable to wait until agitation and excitement brought to bear upon the House a pressure, the weight of which it was impossible to foresee? Did the noble Member for the City, or the noble Viscount the Member for Tiverton, anticipate that if this Bill were rejected, and they introduced a prudent measure of Reform, there was any prospect that it could be carried this Session? Did they rely upon the support of Gentlemen opposite (the Ministerial side) or on that of the hon. Member for Birmingham, who had declared that the House was not prepared to pass any Reform Bill suited to the demands of the people? If, on the contrary, they proposed any large and comprehensive scheme, he was confident it would be rejected in that House by a large majority. He would therefore give his vote for the second reading of the Bill.

Mr. **HUDSON** thought that no sincere Reformer would pursue the course taken by the noble Lord, for the proposal of such a Resolution as he had submitted to the House was fraught with the greatest inconvenience, and placed hon. Members in a disagreeable and painful position. He (Mr. Hudson) had stated to his constituents, without giving any pledge on the subject, that he was quite ready to consider any measure of Reform that might be submitted to the House, and he would not fulfil that promise if he voted for the noble Lord's Resolution. If that Resolution were adopted the necessary consequence would be the withdrawal of the Bill, and he believed the feeling of the country would be that the noble Lord (Lord J. Russell) had endeavoured to entrap unsuspecting Members, and to gain their assistance in a mere scramble for place, while the question of Reform was entirely disregarded. The noble Lord relied upon the kindly feeling of the country, and seemed to think that out-of-doors they did not comprehend the course he was pursuing. On only one occasion had he given a vote which had assisted to displace a Government. He (Mr. Hudson) did not vote with the right hon. Member for Ashton (Mr. M. Gibson) when he brought forward his Resolution; but there was one vote into which he was ashamed to confess he was led by the noble Lord. In 1846 he went out into the lobby with the noble Lord and voted against the Irish Coercion Bill brought in by the late Sir Robert Peel, and his (Mr. Hudson's) only excuse for his own conduct on that occasion was that he was a young Member of the House, unversed in the ways of the House. He afterwards found with regret that the noble Lord had made use of him (Mr. Hudson) to lift himself into power, and not long afterwards he passed a Coercion Bill much more severe than that which he had assisted him in rejecting. His hon. Friend the Member for York (Mr. Westhead) the other night had indulged the House with an historic account of the Reform Bill, and said he regretted it. He (Mr. Hudson) regretted it also. He had some reasons to recollect that Bill—he recollected that it was carried with enthusiasm. He also recollected that he made one of his first political speeches on that Bill in favour of the House of Lords, and had his windows broken for it the same evening; but he believed he enjoyed the confidence of Members of that distinguished House in consequence. What, however, was the popular feeling with regard to that Bill? Why, every servant maid and man believed that when that Bill passed they should cease from work, and never know any more trouble or sorrow, misery or grief. Some people supposed that it would ensure to the country future prosperity and peace. Those delusions had, however, been dispelled, and he believed that the Reform Act had received credit for far more good than it had really effected. The right hon. Baronet the Member for Carlisle would remember the fright he was in in 1842. Then again in 1848 there was such a commotion in London as almost made the "Iron Duke" quail. His hon. Friend the Member for York said that the freeholders of York were of a liberal character, and liberal he (Mr. Hudson) believed they were, but not in the sense intended by the hon. Member. He thought that instead of Liberal they would be found highly Conservative, and therefore the idea that the object of the Government was to eliminate the Liberal element from the county was not correct, so far as York was concerned. He concluded that it was most unjust to make the imputation that the present Government were actuated by any other than pure motives, and an anxious wish to bring in a Bill which would be acceptable to the House and the country. Many hon. Members had borne testimony to the manner in which the affairs of the country had been carried on under their management. They were about then to part with this Government, to whom they acknowledged themselves indebted, for the mere purpose of a party triumph, forgetful of all the great interests of the country. The hon. Member for Sheffield said that the time for the introduction of this Bill was not opportune; but that was not the feeling of the House, or of the country. The hon. Member for Halifax had spoken on behalf of the working classes, but the Resolution said nothing at all about them. The noble Lord the Member for London complained of the Bill because, as he said, it would destroy ancient rights; but who in 1832 was a more wholesale destroyer of ancient rights than the noble Lord? There could be no doubt that if he had the power he would again begin the work of destruction. Several hon. Members had said, "You voted for a Resolution last year when the second reading of the Conspiracy Bill was moved, and why may not a similar course be adopted on this Bill?" But they should bear in mind that the Resolution of the noble Lord was very unlike that of the right hon. Gentleman the Member for Ashton. Had the Resolution been drawn by the right hon. Member for Ashton it would probably have raised some distinct issue. Why did not the noble Lord make his Resolution read thus:—"That this House cannot but regret that Her Majesty's Government, before they placed the Bill for reforming the representation of the people on the table, did not consult the noble Lord the Member for the City of London and the right hon. Baronet the Member for Carlisle?"—for the House had been told that they were the concoctors of the Resolution. The House would then have been able to come to a clear decision upon the question. But as the Resolution failed to raise any distinct issue and was, moreover, opposed to the best interests of the country, he (Mr. Hudson) should vote for the second reading of the Bill, in order that it might pass into Committee, according to the ancient usage of the House of Commons.

Mr. WALTER said, that he was too well aware of the value of time at that period of the debate to trespass long on the attention of the House; but inasmuch as he entertained on this subject opinions somewhat different from those which had been expressed on his side of the House—or, at all events, as he had arrived at conclusions somewhat different from those arrived at by those who had spoken on that side, he trusted the House would allow him to state very briefly the reasons for the vote he intended to give. The House had been invited to choose between a Bill which was, he thought, well described by the right hon. Gentleman the Member for South Wilts (Mr. S. Herbert) as a Bill that required to be gutted in order to make it passable, and a Resolution which had, with equal justice, been described by the hon. and learned Solicitor General as one which committed nobody, and which meant nothing precise. A more disagreeable alternative he could hardly conceive; and, with the permission of the House, he would state very briefly the reasons which had induced him to determine both to vote against the second reading of the Bill, and also to abstain from voting in favour of the Resolution. It appeared to him that the discussion of this Bill might be somewhat illustrated by the position in which a gentleman found himself when he was in search of a house. He might be in very great want of such accommodation, and might see a house which at first sight presented a very picturesque appearance, but which, like the political edifice which Her Majesty's Government had raised, however picturesque it might look on the outside, he did not altogether approve, and which would hardly give satisfaction if he once entered into possession. The foundation of that political edifice was what was called identity of suffrage. Its timbers might be described as a £10 qualification, its buttresses and gables were fancy franchises, and its roof might be described as voting papers; but he was afraid, if he were to draw a conclusion from the opinions he had heard expressed in that House, if it were accepted it would soon be found that the roof let in water, that the timbers had the dry rot, and that the foundations had no stability. He could not agree with the hon. Member for Essex (Mr. Du Cane) who opened the Debate, as to the necessity which lay upon Her Majesty's Government to propose a measure on this subject. He had always been of opinion that, considering the circumstances under which Lord Derby came into power, the feeble minority in which he found himself, and, what was of still more importance in his (Mr. Walter's) eyes, the traditional, and, he might almost say, the constitutional functions of the party of the noble Lord, he might very well have declined—and the country generally, he believed, would have respected his decision—to have undertaken any such task as he had undertaken. He believed the truth to be that the noble Lord like many others in a similar position, when he acceded to office, found himself sadly in want of political stock, and, like many other people under such circumstances, he rashly accepted a Bill without considering how he would be able to meet it when it became due. But he thought it might have occurred to the noble Lord, as he believed it did to everybody else, that, let him bring in what measure of Reform he pleased, it would certainly not be palatable to his party, or, at all events, would be met, by an opposition too strong to be resisted, unless he was prepared, like Sir Robert Peel, in 1846, to sacrifice himself and his party at the shrine of the popular movement, certain that the time would arrive when means would be found of tripping him up at the last moment, and of robbing him of his greatest honours. Let the noble Lord well consider whether the character of this Bill did not, to a great extent, justify these remarks. What was the distinctive principle in the Bill—that principle which had occasioned loss of place and office to two of the most eminent Members of Her Majesty's Cabinet—that principle which his right hon. Friend the Chancellor of the Exchequer, although he had subsequently to his speech on introducing the Bill, made some explanations upon it, had not expressed his intention of conceding in Committee? Why, that principle was undoubtedly identification of freehold and occupation franchises. There was a great distinction, and that he thought had not been sufficiently attended to in this debate, between identity and equality. The two ideas were totally distinct. He understood by equality of suffrage such a measure as that introduced by the hon. Member for Surrey (Mr. Locke King). It was a question of degree. If you determined what should be the particular property or occupation which should confer a vote in a city, and then applied that throughout the country, that was what he would call equality of suffrage; but that had nothing whatever to do with the principal foundation of this Bill, which was not equality of degree, but a confusion of kind—their identity of suffrage was in fact confusion of the freehold and occupation franchises. He for one had no objection whatever to an equality of franchise. Indeed, he thought that one fault of the noble Lord's Resolution was that it drew an unnecessary and unmeaning distinction between the borough and county franchises. But with regard to uniformity, he was of opinion that there could scarcely be too great a variety of franchises, and he concurred, therefore, with those provisions of the Bill which introduced a great number of new franchises, and thus gave votes to many persons who could not be brought within any one precise category. The question of the identification of the freehold and occupation franchises had been fairly raised by the Solicitor General, by the hon. and learned Member for Cambridge, and, with great force and ability, by the hon. Member for Oldham (Mr. Cobbett) and he must do the last named hon. Gentleman the justice to say that he had done for the Government that which no Member on their own side had done with success—he had undertaken to defend them on that particular point on which almost all their own friends had deserted them. The Solicitor General had also referred to the abolition of certain borough freeholds which took place under the Reform Act of 1832, and he argued that that afforded a sufficient precedent for a similar operation being performed by the present Bill. But what were the circumstances of that Act? Why in the Reform Act of 1832 the borough freeholds which were above £10 in value simply became merged in the occupation franchise, and persons who lived in those houses became *ipso facto* entitled to vote for the boroughs in which they resided: and the same result would follow in any lowering of the franchise now below the present qualification value. But this was not the first time that the subject had been fully discussed in that House; for in the course of the debates upon the Bill of 1832 a clause of a precisely similar nature was proposed under the sanction of Sir Robert Peel; but it was rejected by a majority of two to one, and it had never since, he believed, been brought forward. The argument upon which it was rejected was, that any measure of the kind would raise too great a barrier between the towns and the counties, and would create a dangerous diversity of interests. He thought that this alone should deter the Government from resting upon that, at all events, as the basis of any future measure which they might introduce. He would not trouble the House by going into details; but with regard to what were called the "fancy franchises" he thought that some of them were entitled to considerable respect. He had always been of opinion, for example, that the position of the clergy was an extremely improper one. Who was entitled to vote for the place in which he resided if the clergyman was not? And on what ground were they to exclude that body, and to tell them that they must buy a trumpery 40*s.* freehold or occupy a £10 house in order to have a vote? Three clergymen who resided in his neighbourhood—the curates of their respective parishes—were not entitled to vote by virtue of any property they held either for the county or the borough. This was an injustice which ought to be remedied, and he therefore entirely agreed with the Government in this and similar extremely useful reforms. The renting clause, however, appeared to stand on a different footing. He could not understand what machinery could be applied to lodgers in tenements which should decide, without the certainty of collusion and of great fraud, what amount of rent a man paid his landlord so as to entitle him to vote—he did not see how they were to determine whether a man paid 8*s.* a week, or 7*s.*, or 6*s.*; without the adoption of an inquisitorial machinery which would not be submitted to. Then with regard to the £10 occupation in counties; that had been pretty clearly shown not to be what it professed to be. It professed to be the adoption of Mr. Locke King's proposition; but in reality, instead of letting in a class of resident voters who lived in £10 houses, it would, in effect, enable a proprietor to split up a field into a number of small qualifications and placing them in the hands of his dependants; and so facilitate the manufacture of fictitious votes; and he was sure that in that form the clause would never pass the House. But it appeared that the Government were prepared, if the Bill only went into Committee, to waive all these points, and to devolve upon the House the duty of making a Reform Bill. He had a great desire to see a Reform Bill carried, and, with every wish that the Government should, if possible, be the agents to pass it, he could not think that that was the proper way of accomplishing the object. It might be a very chivalrous proceeding to pursue in Committee, but, like other chivalrous proceedings, it might be attended with very serious consequences. It reminded him of what was reported to have been said by a French general when he witnessed that gallant charge of the Light Cavalry at Balaclava.—"*C'est bien magnifique, mais ce n'est pas la guerre.*" So he (Mr. Walter) said of the course the Government were pursuing—it might be very accommodating and convenient, but it was not business. He was bound to say that he could conceive nothing more vague or ambiguous than the Resolution of the noble Lord—assuredly it was not the basis of a Reform Bill. He should prefer rather the proposal of the hon. and learned Member for Sheffield (Mr. Roebuck) to draw certain Resolutions which might be the foundation of a Bill. The noble Lord's Resolution formed no such basis, and he objected to it, moreover, because it created an invidious distinction between counties and boroughs which, after the House had twice affirmed the principle of Mr. Locke King's measure, could not be consistently maintained. If the noble Lord would leave out the words "cities and boroughs" he might possibly vote with him, or if he would admit the word "counties" he might go with him; but the Resolution as it now stood, by condemning the application of the same franchise to counties and boroughs in effect cast a slur upon the previous decision of the House of Commons. It seemed to him that there were two distinct modes of effecting the object which was so much desired—the extension of the franchise. It might be done in a wholesale manner by introducing the occupiers of much humbler tenements than at present; or it might be done by a process of selection somewhat similar in character, though different in detail to the present proposition of the Government. There could be no doubt that there were many thousands of persons occupying houses below £10 who were quite as well qualified to exercise the franchise as those who lived in £10 houses. At the same time, he did not deny—he rather maintained—that there were probably a great many more thousands who were not qualified; and the question was whether, in order to adopt a uniform principle, they should lower the suffrage so as to include the great mass of the people, or whether they should not rather try to raise the mass of the people to the dignity of the suffrage. They had the choice of placing the suffrage within the reach of every working man, if he would only take the trouble to raise himself to the position in which he ought to exercise it; or they might throw it into his lap and say, "There's the suffrage; take it; do what you like with it; only give us no more trouble about it." This last was what he called the "wholesale way" of extending the franchise; but it was between these alternatives that they had to choose. He would say no more upon this now; but when the question of the suffrage came to be discussed, he hoped that it would be argued in a more statesmanlike and businesslike manner than it had been hitherto treated. It was a very serious and difficult question, and it was not to be decided in an off-hand or accidental discussion. For his own part he did not see upon what grounds, if they went below the present £10 franchise and adopted the wholesale system, they were to stop short of household suffrage. He did not see upon what principle they could stop at £9, or £8, or £7, or £6; and below that there were very few houses in boroughs at all; so that a £6 or a £5 franchise would be equivalent to household suffrage. If therefore it was proposed to extend the franchise by establishing a house occupation franchise, he hoped hon. Gentlemen would well consider the consequences. If, on the other hand, the House adopted the principle which he should rather be inclined to recommend—although he did not profess to give a decided opinion upon it—the principle, he meant, of placing the suffrage within the reach of every man, accompanied by some test of his willingness and fitness to exercise it, he thought that that would be a wiser course to pursue; and, in this respect, he looked upon the clauses suggested in the Bill of the Government as well worthy of consideration. But he did not stand there either to advocate or to deprecate any system for the extension of the franchise. He would not pledge himself to any particular course with regard to it; but what he would pledge himself to was this, that whatever measure of extension the noble Lord proposed for cities and boroughs he should move that the same should be applied to counties also. There was already in counties a franchisé so low as to make it a perfect sham. Of all the shams which had been talked of in the course of the debate he knew of none that was more obvious and absurd than the so-much-vaunted 40*s*. freeholds. He had labourers in his own employment to whom it was a charity to give 10*s*. a week, and who were intellectually wholly unfitted for the exercise of the elective franchise, but who possessing 40*s*. freeholds were on the list of county voters; and he had others worth more than double that sum—educated and skilled labourers it might be—who had no vote. Where was the justice of excluding these latter from the franchise which was enjoyed by some ignorant, stupid fellow, because his father had stolen a bit of land off the common? Whenever this question was brought under the consideration of the House he should strongly advocate that the franchise should be extended to counties and to boroughs upon terms of perfect equality. With respect to what was to happen in the event of this Bill being rejected, it appeared to him either that the Government must resign—which he should be sorry to see, because he believed that a course of that kind, always inconvenient, would be particularly so in the present instance; or they might—and he saw no reason why they should not—withdraw the present Bill and bring in another, founded either upon the experience they had gained in the course of the debate, or upon some such Resolutions as had been suggested by the hon. and learned Member for Sheffield. The worst course of all, the most mischievous, the most reckless, the most suicidal, would be a dissolution. He could conceive nothing more likely to create a dangerous agitation than for a Conservative Government to go to the country upon the question of a Reform Bill. They might, probably, gain an addition to their strength by an appeal to the constituencies, although he doubted it. It was not for him to say what the result would be; but it was certain that they would throw this Bill into the great political arena of the country to be quarrelled over by every section and party, each of whom would urge its peculiar views in the most reckless and unscrupulous manner; and upon the head of the Government would rest the responsibility for all the mischief which would ensue.

MR. GREENALL said, he could never give his consent to any Bill which would deprive the 40*s*. freeholders of county votes, or which would not extend the franchise to a large portion of the industrious classes. But after much consideration he had come to the conviction that he should not be adopting the best means for the promotion of the objects which he wished to see attained if he were to support the Resolution of the noble Lord the Member for London, and he should therefore vote against that Amendment. He confessed that he was very much influenced in the course he had determined on taking upon the subject by the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). If the noble Lord should carry his Resolution, even by a small majority, he would destroy a large and useful measure: whereas if the second reading were agreed to, they could easily introduce in Committee all the Amendments which he was anxious to see made in the Bill, and he was therefore prepared to vote in favour of the second reading.

Mr. GILPIN said, that concurring in the general desire to bring the debate to a conclusion, he would very briefly state his reasons for the vote he intended to give. He should vote for the Resolution of the noble Lord upon the same principle, if for none other, that the right hon. Member for Oxfordshire (Mr. Henley) declared he was bound to vote for the Motion of the right hon. Member for Ashton (Mr. Milner Gibson) last year—that he could not say no to a Resolution that was as true as Gospel. He objected to going into Committee upon the Bill, which would have the practical effect of negativing the Resolution, because he could not call it a Reform Bill at all. If he were put to his choice of that Bill or none, he would unhesitatingly prefer none at all. They were told that the Bill might be made whatever the House pleased in Committee, but they had no assurance that when the House had turned it into a Bill which they approved, the Government would use its influence to pass it in "another place." He, however, did not mean to express by his vote a general want of confidence in the Government. Like the hon. Member for Halifax, he did not want to see a change of Government at the present moment, or to witness again the humiliating spectacle, in the present divided state of the Liberal party, of the nominal head of that party being placed in power, and within a fortnight afterwards calling upon Gentlemen opposite for aid against his own so-called supporters. The hon. Member for Northumberland (Mr. Beaumont), had in touching terms deplored the necessity he was under in voting against the noble Lord the Member for Tiverton, and had appealed to the late Secretary to the Treasury to bear witness to the consistent support he had given to the noble Lord for some years. He (Mr. Gilpin) did not think that Members were sent to that House to follow blindly any leader, but rather truly and conscientiously to represent the people who returned them to Parliament. The hon. Member had referred to what he called the failure of the hon. Member for Birmingham in his progress through the country; but let the hon. Gentleman only try to get up an anti-Reform meeting in any place, and he would find how completely he would fail. The noble Lord the Member for Haddingtonshire (Lord Elcho) had made a speech in which he began by deprecating all personal allusions, and immediately afterwards referred to an hon. and learned Gentleman, who had previously spoken, as "the future Solicitor General" in the next Government of the noble Lord the Member for Tiverton. The same noble Lord also said the legislative machine worked well at present; and so, indeed, it did for Lords, but not so well for the people. In 1832 there was an extension of the franchise which admitted the middle class, and, to some extent, the working class. There appeared to be in some quarters a great dread of what was called the progress of democracy, and the right hon. Member for Wilts (Mr. S. Herbert) said he was not a democratic reformer. Now as he (Mr. Gilpin) understood the word, democracy only meant power existing in the whole body of the people. It was formerly a standing Whig motto, "The people, the legitimate source of all political power," and he could see no reason why the Whigs of the present day should be ashamed of their ancient motto. Then came the question, who were the people? It was said, not the mob. He would not discuss what was meant by the mob, but he would remark, although he did not approve of war, and believed in his conscience that the vast majority of wars had been needless, entailing an incalculable amount of unnecessary suffering that when strong arms were needed, it was from the working classes they were obtained, and surely if they could be trusted with muskets, they might be trusted with votes. Then, again, it was said, if the franchise were lowered, all political power would be given to one class, which would swamp all others. The progress which the working men had made in intelligence and education since 1832, and their uniform loyal and peaceable conduct, entitled them to a larger share of political rights than that Bill gave them. Nothing could be more absurd than that argument. It was obvious that those who used it supposed that the working classes would always vote together; but there could not be a greater mistake. There was as much diversity of opinion amongst workmen as amongst any other class of the community, and they would be as much swayed by their individual feelings in exercising their political right. When the question was, should the working classes be entrusted with the electoral franchise, the proposition was resisted because it was feared that they would exercise it to the injury of the rest of the community; but when the country was in danger they did not fear to place muskets in their hands, and to trust to them for the defence of our institutions. The way to make those classes all they desired to see them was, to give them the same political rights as other classes enjoyed, and to make them feel that they had a real and personal interest in the good government of the country.

Mr. HENLEY:—Sir, under ordinary circumstances, considering the long time the debate has lasted, I should not have thought it necessary to trouble the House with a single observation upon the question which we are now discussing. But circumstances have arisen in the progress of the debate which have brought it into so peculiar a state as to make it very difficult for any man who has taken a part in public affairs to abstain from entering into an explanation of the vote which he means to give. It is well known that I and my right hon. Friend near me (Mr. Walpole) were unable to give our assent to the leading provisions of this measure. I have listened with the greatest attention to the whole of this debate, and if I had heard anything that had in any degree shaken the opinion I had formed upon the subject, I should have felt no hesitation in acknowledging the fact. I think that this Bill has been somewhat underrated. In my opinion, it is a very large measure—large, not only in what it does, but still larger in the principles which it contains. What does it do? Upon the most moderate computation it increases the constituent body of the country by one-half. A measure that does that cannot be called a small measure. But then the question arises—in what way does it do that, and does it do it in the way that is most likely to give contentment, and to give it safely? I cannot say that I think it does so in either of those ways. I come now to some of the reasons that have been put forward in favour of the main extension of the franchise proposed by the Bill—the extension which must arise out of the equalization of the borough and the county occupation franchises. The noble Lord the Secretary for India made a sort of defence, and showed how impossible it was, if a street was partly in a town and partly in the county, to justify giving a vote to a man on one side of the street and to refuse it to a man on the other. It may be very well to say that such an anomaly ought not to stand. That would be all very well if other anomalies still larger and greater were not to be created by the very measure which is intended to relieve this anomaly; moreover, the effect of the Boundary Commission in the Act would at once get rid of that anomaly. The Under Secretary of State for the Home Department justified this measure by what seems to me to be an extraordinary mode of reasoning. He said, "You cannot say it is any change of principle, because the occupation franchise in counties being let in by the Reform Bill of 1832, you are only extending the principle." That, as a strict principle, may not be untrue; but how does the principle apply? No man can say that the application of the occupation franchise of 1832 at all affected the position of property being the basis of the franchise in counties. It let in perhaps a fifth or sixth of the number of the county voters—that, taking England all through, would be the very outside—and they could not have over-ridden, the substantial nature of the occupation being taken into account, the weight which property is always presumed to have in the representation of counties, But what does the present Bill do? The county voters, in round numbers, are about 500,000 in number. This Bill, according to the statement of the Secretary to the Treasury (Sir Stafford Northcote) proposes to let in 300,000 occupation voters. I believe that number is pretty accurate; but what does it do besides that? As if that was not enough to interfere with the property element in counties, for some purpose, which it is not very easy to understand, you take away from the county voters 100,000 and put them into towns; the result will be that property is sure to be overridden. You introduce 300,000 upon 400,000; 100,000 of those 400,000 being probably occupying voters before. Therefore you put something like 400,000 occupying voters against 300,000 who vote for property, and you take 100,000 voters by property from the counties and put them into the boroughs, where they will have to come in contact with an occupation constituency, who will neutralize those property voters from the county. In that way the whole electoral power of the country will be thrown into the hands of an occupation class. That is the plain result of the figures. I am not saying one word as to whether £10 is a proper or an improper limit, but a vast numerical majority of the voters will be of that class, and the power will be in their hands. A great deal has been said on this side of the House, that if you go below £10 in boroughs you will swamp the whole constituencies: but I have not heard from any hon. Gentleman who has spoken why it is so extremely dangerous if you have a limited number of persons let in the boroughs—and why it is perfectly safe to have the whole of the constituency of the boroughs and counties of one class? Most of those who have spoken from the Government benches have drawn a vivid picture of the mischief of letting in what they call democracy, which they assume must be the result if there is any lowering of the borough franchise at all; and yet they have not touched in the slightest degree upon the effect on the country of having all the power in counties and boroughs in the hands of the £10 occupiers without any countervailing balance. The next point that strikes one in reference to this subject is what was stated by my hon. and learned Friend the Member for Cambridge (Mr. Macaulay). He said, speaking on this question, "this is a Reform Bill of great extent. What does it do? It deals with that with which you never dealt before. You have in the counties a population of upwards of 10,000,000, and you are going vastly to enlarge the constituencies." No doubt it is quite true that you are going vastly to enlarge the constituencies, but it seems to me that he has overlooked one not unimportant matter in considering this question; and that is, that although you have 10,000,000 people in the counties, you have also between 7,000,000 and 8,000,000 in the boroughs; but when he talked of enlarging the constituencies he did not touch on the numbers of the voters in the boroughs and counties respectively. Now, the 10,000,000 people in the counties have 500,000 voters; and the 7,000,000 odd people in the boroughs have about 430,000 voters. The proposal is to add 300,000 to the counties; but to take away 100,000 of the existing voters and place them in the boroughs. At present I am not touching on what have been termed "the fancy franchises." That would leave the whole constituency about 530,000 in the borough and 700,000 in the counties. The franchises are equal—but what will be the effect with regard to Members? You are going to add in this extraordinary manner to the county voters, making them much larger in proportion to the towns than before; but you are going to leave them without any additional Members—for the re-distribution of seven or eight Members cannot affect the question in any perceptible degree. A great many persons have given the Bill much praise, because there is to be no redistribution of seats to any extent. But can any man suppose that if you are going to add 300,000 voters to the counties, making every county, as far as its constituency goes, according to the plan of the Bill, a great borougn—do you suppose they will remain long content without a re-distribution of seats? Why it is an absolute impossibility to suppose that if these constituencies are to be of the same quality, upwards of 10,000,000 of the population are to be represented by 160 Members, while the 7,000,000 are to have 350. I think that would be such a strange state of things that it could not exist for one moment. Suppose I am met on the Treasury benches by some such argument as this—You must not complain, you know the counties have always had a less number of representatives than the boroughs, and this is an old state of things. I am not complaining; but if that answer is good, what becomes of the question of equality—of the £10 county votes? There was, always, a difference between the county franchise and the borough franchise; and, therefore, if you put the counties in so anomalous a position, and are obliged to make an equality in respect to votes, it will be impossible to keep off long the re-distribution of seats and to give to counties more than what some persons would consider their just share in the representation of the people. What said the noble Lord the Secretary of State for India? He said, "one great merit of the Bill is to smooth down objections to disfranchise small boroughs." If that is so, why do the parties so much averse to the re-distribution of seats think this measure so very good? What will be the case with respect to the existing voters in counties? No man can tell how it will cut politically. I do not pretend to give any opinion on that subject, nor do I believe that any one can tell how it will cut, either the one side or the other; but of this I am quite sure, that the present county constituencies will be in danger of being swamped. There is no doubt about that if you bring in at once an amount of new voters nearly equal in number to that which before existed, for it is quite clear that the 400,000, at present voters in ths counties, will stand in a different position than they do at the present moment; and this is a question which all those who have votes in counties would do well to consider. I now come to the question of the extension of the suffrage in boroughs. That question has been argued on this side of the House, and the hon. and learned Gentleman the Member for Cambridge gave a distinct definition of what he meant when he said we shall no longer have any of those rough and clumsy modes of letting in people. The old-fashioned system of letting in people by the gross will no longer exist, and he says it will be done principally by selection. Well, but he gave a curious illustration of that. He said, when you come to deal with any question such as that of trying men for their lives —juries may try men for trumpery matters or they may try them for their lives, or what affects them even more than their lives, their character—all these things he says a jury of twelve men, with a qualification of equal money value, is considered sufficient; but that when you come to the more responsible matter of electing Members of Parliament—that is to say, when you want a man to have the 19,000th part in the election of a Member for Marylebone or the 30,000 part in the election of one for the Tower Hamlets,—you can trust only to the principle of selection. What is that principle of selection? He says it is contained in these new franchises, that by them you take the best of the working classes. Now let us examine these new franchises and see how we shall get them. It will not be presumed, I suppose, that the men who are admitted to the franchise by them will be working classes of a humbler station than those who live in £10 houses. It cannot for a moment be contended that a franchise which is to affect doctors and lawyers, clergymen and schoolmasters, will affect the working classes, for they, I suppose, may be taken to be the gems of the collection. The next large class we come to are the lodgers. I do not apprehend that the men who pay 8*s*. a week for furnished lodgings, or probably 5*s*. or 6*s*. a week for unfurnished lodgings, are likely, as a class, to be below those who occupy £10 houses. The only thing that remains, therefore, is the savings' bank franchise. We are told that we could not remain at £10 because it would be an anomaly. I want to know if there is not as great an anomaly in the other case? How can you reconcile the giving of a man with £300 in Consols a vote with the giving a vote to another who has £60 in the savings' bank? I confess that, inasmuch as the basis is money in both instances, and that the money in each is vested in Government securities, it passes my comprehension how you can establish a case of equality. Nor am I prepared to admit that the deposit of £60 or any other sum, in a savings' bank is a fair test; for how you can say that a man who does not possess that amount among the working classes is not as respectable and trustworthy as a man who does. I think myself that it is no measure at all. I am ready to admit that a man who does possess £60 in the savings' bank may be, and probably is a respectable man; but what are the circumstances which enable one man to have it and another not to have it, because that is the real point which we have to consider. You say that you want it as a measure of a man's prudence and self-respect, and that it is a security. But it makes all the difference whether a man is married or single; it makes all the difference whether a man has a large or a small family. I myself happen to be a man who has a large family; and a man may be as trustworthy and as respectable as another, and yet he may not be able, if he has a large family and belongs to the working classes, to put money into the savings' bank. There is also such a thing as putting children to school in this country in the humbler as well as in the higher and middle classes, and if a man who is bound on making money has three or four children running about the streets instead of going to school, and has his wife working in a factory, I do not consider, although he might have £60 in the savings' bank, that he would be so respectable a man as he who put his children to school and kept his wife at home to attend to her household and domestic duties, although he might have no money in the savings' bank. For that reason I do not think that the simple fact that a man has money in the savings' bank is so strong a proof of respectability that it ought to entitle him to possess a vote as against another who has it not. You say you want some criterion. There may be sickness in one family, or a thousand other things that may prevent a man who is as prudent and self-denying as his neighbour from getting that capital which another man has been able to acquire. So I do not admit that this savings' bank clause, standing alone, affords that fair opening for the extension of the franchise to the working classes as is claimed for it by its admirers. I wish to say a word or two as to what was said by the right hon. Baronet the Secretary for the Colonies with respect to the danger of extending the franchise in the direction of a rating suffrage. My right hon. Friend near me (Mr. Walpole) named a £6 rating. A £6 rating suffrage, it is said, would increase the number of voters by 100,000 at the outside; and I do not believe it would add one more than that. Would the addition of 100,000 to the borough franchise make an alteration equal to that which is now proposed by extending the county franchise by 300,000, and transferring the 100,000 from the county to the borough constituencies? I do not believe it would. I believe that this addition to the borough voters might have been very safely made. Well, then, we have before us the Amendment of the noble Lord (Lord J. Russell) which would influence more or less the votes of hon. Members. I agree with my hon. Friend who has told us that we have not got this issue fairly before us. It is not a question of the second reading of a Bill simply. We have got into a complicated state or position. On the one hand there is the Amendment of the noble Lord, and on the other there are the important declarations which have been made by the Government. I shall have occasion to notice both. What does the noble Lord's Amendment secure to us? That is the first question. It secures us certainly against the proposed transfer of the county freeholders to the boroughs. But that has been already done by the clauses somewhat irregularly put before the House by the Government, and there can be no mistake upon that. But with respect to the latter portion of the Amendment it is as vague as anything possibly can be. It is so vague that no human being can assign any definite meaning to it. If the Government, for instance, were to reduce the lodger franchise from 8*s.* to 7*s.* 6*d.* it would satisfy the noble Lord's Amendment. Is it worth while to meet such a measure as this with such an Amendment? I have asked myself why it is done, and it seems to me that it can have but one object. I am not one of those who deal with men's motives; we have nothing at all to do with them, and I think we are better without them. But I think it can only have one object; a great number of hon. Members in this House are not willing to vote against the second reading of the Reform Bill because there is a good deal in it which they are willing to discuss, and if it was a question of rejecting the second reading altogether they would vote in favour of its being read a second time; but it is a means of keeping the Bill out without that inconvenience. Well, Sir, I for one cannot join in that process. Now I come to what is quite as much a matter of consequence to me, differing as I do from many of the principles or main features of the Bill. I must consider what the Government has said. My right hon. Friend the Chancellor of the Exchequer has stated, not hastily, but deliberately, in answer to Questions of which notice had been given—and my right hon. Friend will correct me if I have misunderstood his language—that there was no provision in this Bill which might not be beneficially considered in Committee; and he followed that up by saying that the House would take into consideration the circumstances under which the Government came into office. I will not allude to the speech of my hon. Friend the Secretary of the Treasury (Sir Stafford Northcote), because, although he spoke with the authority of a member of the Government that is not the same thing as a member of the Cabinet. But my right hon. Friend the First Lord of the Admiralty also said that we might consider in Committee every provision of the Bill, and that if the House made important changes it would then be for the Government to consider what course they the Government would adopt. I must say these two declarations relieve every man of the difficulties he may have in voting on the second reading of this Bill. I think the Government have said as much as it was possible for us to expect that any Government could say. I do not think you could expect them to say beforehand that they would accept this, that, or the other particular change which may be proposed in Committee. But I understand them from their speeches distinctly to say that they do not declare beforehand that they will not accept any change in this, that, or the other provision in the Bill. Therefore, if I may use the expression, both parties stand fair, they stand upon equal grounds; and if there be any changes made in Committee which the Government consider they ought not to accept, both parties will still stand fair; so that there need be no difficulty in our determining how we shall vote on the second reading of the Bill. If I have in any way misinterpreted the views of the Government, my right hon. Friend (Mr. Disraeli), who will probably speak to-night, will put me right, and I shall then know what to do on the division. The question has been raised in an odd sort of way by the noble Lord the Member for Tiverton, as to what the Government ought to do. I think with regard to all these things that we had much better leave them alone till the time comes. I do not like prophecies—they are rather inconvenient things. The noble Lord was at one time not very easy to understand. He says the Government—or rather the noble Earl at its head—took the Government with its engagements. I know nothing either good or evil of this term; but I fancy it is a turf phrase. But the noble Earl to whom it was applied does know something about the turf; and he was very particular in consequence of that, no doubt, in defining what he thought those engagements were. The engagement went no further than this—that in the course of the recess he would take a look over his stable and see if he could find a horse that he thought he could train and bring to the post. He went no further than that. But the noble Lord opposite (Viscount Palmerston) though he made engagements, never did anything at all. He brought no horse to the post, and he did not pay forfeit. So that at all events the noble Earl at the head of the Government stands in a better position than the noble Lord the Member for Tiverton. But the noble Lord, not content with this, went on in what seemed to me an odd sort of way. He said, "It is very true you have got a horse ready to run, but I do not mean that he should run fair. I have got a partner, and he has got acquainted, confidentially with a clever young fellow, and we mean to put our saddle upon your horse and you shall run him with our saddle." Now, I am not surprised at the First Lord of the Admiralty saying, "we will not have your saddle;" the thing is quite natural. It would be very surprising, indeed, if they would let their horse run with another man's saddle and bridle. But the noble Lord says, "You shall run; we are determined we won't let you win, but still you shall run." I think the Government are perfectly right in rejecting a proposition like that. Still, I think the question is one which it is very desirable should be settled this year. The only thing I gather from the debate is this—or rather two things—first, that a considerable number of the House, if not a majority, are anxious that the thing should be settled this year. The other thing is that a still larger number are disposed to say that in its present shape the Government Bill will not settle it. With this understanding I am ready to go into Committee on this Bill. I hope when we get there that the deliberate decisions of this House will have their full weight with the Government, and will induce them, if possible, to get the measure into such a shape that it will give a reasonable ground of satisfaction to all moderately disposed people. It is out of the question to suppose that you will ever satisfy all people, do what you will. You will not get that. I agree with those who say that it does not matter a farthing what the Government proposed. I believe it would have been pulled to pieces and torn to pieces, and that party combinations would have been formed against it, just as much as against this Bill. It is very natural that it should be so upon a subject attended with such enormous difficulty, on which no two people hardly who converse together can be found to agree, and in respect to a Government who have not what is called a majority in the House. It was a tempting opportunity for Gentlemen opposite—it is done in the exercise of that which is their fair right—to attempt to tear it in pieces. Nay, I will go further, and say that I do not know but it was their duty to tear it in pieces if it was capable of being torn, because in that way they get a better measure. But I venture to say to the Government, that, considering the position they are in and the circumstances under which they took office, having to bring in a Bill surrounded with such known and vast difficulties, that this House will not place them in the same position by making changes and alterations in their Bill as they would if they had had a majority of this House at their back, but had been deserted by their friends upon this question. I venture with all humility to throw this out, because I think it is important that they should consider this matter, and that they should take into their consideration, either at the termination of this discussion—or if we get into Committee, then in Committee—the changes and alterations which have been proposed. Their situation is a peculiar one, and they must be judged according to their peculiar circumstances. We must not apply the same rules to them which we would probably to another Government which had had a majority at their back, but who, in a question of this kind, were left in a minority by the desertion of their own friends. I have taken up much of the time of the House; I have stated frankly my objections to the measure. I have stated with equal frankness why I cannot support the Resolution of the noble Lord opposite, which seems to me to do no good except to hang up the whole subject for this year, and perhaps for another, and to afford more opportunity for agitation to parties who would only be too glad to create it. This is not mere imagination, because even with the pledge of a Reform Bill an hon. Member has sought to raise an agitation; and now that we have a Reform Bill, of whose provisions he does not approve, we have been told with great frankness by that hon. Member, that we may look for a winter of agitation. I have no desire for that state of feeling, for all that can arise from it will be exasperation of feeling, the setting of one class against another, instead of a fair comparing of queries and notes to endeavour to come to a common understanding. That is the only thing that is likely to come out of agitation, and, therefore I, for one, wish to have the question settled. It is most important that a measure of this kind should be settled. The course now to be taken, what ever it be, will have a great effect upon the future of this country. Many of those Gentlemen who have spoken to-night and on other occasions have said, "If you go one step along with us, you must go the last; there is no resting place between." These are strong expressions, but I doubt their truth. I do not think that the people of this country are unreasonable. I believe that they are willing to go by steps—I believe they think it safer to go by steps—and my objection to this Bill is, that it prevents our going by steps, because the establishment of an equality of franchise through the length and breadth of the land effectually prevents it. For this reason equality in the franchise is a dangerous thing in my opinion. Two examples have been quoted—France and America; and we have been attempted to be frightened by both. For my part, I do not wish either—I want our own mixed constitution—I want some of all classes of people to have the franchise; but I do not want any one to override all the others, because that would not be a mixed constitution; but I want them all fairly represented. France had an equal electoral body—a very high one; America has also got a very large constituency, whether household or universal suffrage I do not know, but it is pretty nearly universal. The institutions of America have stood firm; since they were established about eighty years ago. France adopted equality of suffrage in 1814 or 1815, and she has achieved great things with it. She has kicked out two kings and two dynasties. She has set up a Republic, and she has got rid of it again. She has kicked out Liberty altogether. She has now got an Emperor; and those are results that I must say I do not want. I do not want the American Republic, which stands fast; I do not want liberty kicked out, and I do not want an Emperor; and, therefore, I, for one, am favourable to a state of the franchise which lets in some of all the different classes of the people, but will not let any one class swamp all the others. I believe that individuals, as well as classes of people, are selfish. I am afraid the history of the world teaches us this with regard to classes of people, and our own experience teaches it with regard to individuals; for, after all, classes are made up of individuals. If you give any one class—I do not care whether they are the £50, or the £20, or the £1 class—a preponderance—if they get the whole power into their hands they will use it for selfish purposes. If, on the other hand, the different classes are so mixed together that each class feels there is no chance of getting power into their own hands, exclusively people become good because they cannot be evil. More generous sentiments spring up when people find that they cannot make a bad use of their power. Our constitution, with all its anomalies, with all its ins and its outs, with all that you say is absurd, yet has stood fast for more hundreds of years than all the other constitutions you can show in the world. I think the great historian of the present day (Lord Macaulay) has told us that it stands fast because the people of this country, when they want alterations, do not look about for any newfangled fashions, but they look back to see what has been handed down to them by those who went before, and they endeavour to stand upon the old ways of the constitution. This is said by my Lord Macaulay to be the great reason why the constitution of this country stands unchanged and unshaken. I believe that it is a constitution under which the people have enjoyed more of liberty, more security of life, and property for a greater number of years than under any other constitution in the world. I do not want to alter or destroy it. I want, if I can, to mend it; but to mend and help it by extending its base, and using the experience of former years. My objection to the Government Bill is, that it proceeds in a different direction. Some philosophic minds have been at work upon it who have been busying themselves in making a new constitution instead of mending the old one. My idea of a Reform Bill is one which shall improve what we at present possess, and I hope when we get into Committee, we shall get back into the old ways which our ancestors have marked out for us.

MR. ROEBUCK: Sir, no one estimates more highly than I do the importance of the subject we are now discussing. During the many years that I have been in Parliament no such great subject has ever occupied its attention. Other matters may have had a momentary importance, but they have been circumscribed in point of time and by the limited extent of their operation. The alteration which we are seeking to make is an alteration of the constitution of this country. The acts of this House influence the destinies of the whole world, and therefore the subject we are now considering is one which affects the happiness of mankind. I wish, if possible, not to put an end to this question, for an end to it we cannot put, but to go onward. My object is to obtain what reforms I can, and the question I have to ask myself is, in what way can I best obtain these reforms? There is one matter before the House, and it involves a two-fold consideration. What is it we are about? To reform the Reform Act. Then we have two inquiries to make—what is it in that Act which requires reform, and in what way can we best attain the end we desire? I will confine myself to these two points. The House of Commons, from the very day of its establishment, has been in a state of constant fluctuation and change. Now, it has changed as regards its own influence in the State; now as regards the persons by whom it is elected. For many years the House of Commons was the humble handmaid of the House of Lords, until the House of Lords betook themselves to the pastime of cutting one another's throats. When the Tudor line reigned, the result of all the proceedings of these kings was to put down the power of the great nobles. When the Stuarts came in, James I., weak and imbecile though he was, had wit enough to see what a great change had taken place, and when waited on by certain Members of the House of Commons he ordered so many chairs to be set for them, "because," said he, "I am about to meet so many kings." When the great dispute took place between the House of Commons and Charles I., the result, as it then appeared, was the complete victory of what is called democracy. But the reign of the Saints was a very sour reign; the people got tired of it, they reverted to the old dominion, and they called for a king again. However, they shortly got rid of the Stuarts, and from the time of the Revolution down to 1831 there was a constant increase in the landed power of this country. At that time—in 1831—this country was ruled by an aristocracy as completely as ever was any country in the world. The noble Lord near me then proposed his celebrated Reform Bill. What did that Bill do? Not what the right hon. Member for Carlisle said it did —transfer power from the aristocracy to the middle classes—but it shared political power between the aristocracy and the middle classes. And what we seek now to do is, not to transfer political power to any one class whatsoever, but to give a share of political power to that class which I say was wholly omitted from the Act of 1832 —the working classes. I have put my finger on one great blemish of the noble Lord's Reform Act—the exclusion of the working classes from power. From that time to this these working classes have been going on increasing in intelligence. They have throughout manifested in their conduct, not only intelligence, but virtue, thereby showing that they are worthy to be, what I say they will be, and I hope in my time, participators in political power. The next great blemish of the Reform Act was that, although it went a great way in the right direction, it did not go all the way. It left in the electoral bodies a greater degree of inequality than ought to exist. Therefore, I say that the two great objects we ought to have in view are to extend the suffrage to the working classes, and to regulate the distribution of electoral bodies. That ought to be the object of any Bill which attempts to reform the Act of the noble Lord. Now, I have to inquire whether the Bill before us attains either of these two ends. I should waste the time of the House if I were to try to argue that this Bill does nothing. The proposal to give a £10 occupancy franchise in counties is a great thing, but there it stops. I, who represent a great body of the working classes, who represent a large constituency living among the working classes, and picked out of them by the noble Lord's Act, should be deceiving the House if I were to say that this Bill will give anything like satisfaction to the working classes. From the beginning to the end of this debate I have heard this argument—if you grant power to the working classes you swamp every other class in the country. But is this true? People who use this argument do not make this important distinction—the majority of a country can have no interest inimical to the interests of the country. If you give power to a minority, that minority may have interests at variance with the interests of the country; but the majority cannot—if they understand their own interests [*Ministerial cheers.*] That cheer shows the utter want of perspicacity on the part of hon. Gentlemen opposite. I say the majority have no interest in opposition to that of the whole country. It is supposed that the working classes, if they were endowed with power, would swamp all other classes. Now, I will take one single thing which is believed to be in the minds of the great body of the working classes—namely, a *minimum* of wages. A *minimum* of wages would be the most powerful means of preventing the accumulation of capital; and the prevention of the accumulation of capital would be more mischievous to the working classes than to any other section of the community. Then I say that the interests of the working classes are not in antagonism to those of the rest of the country. True, they may not see their own interest. I have not come to that point yet. They may be misled, as I have often seen this House misled; but their interest, *quâ* interest, is the same as that of the entire community. Then observe the difference. We have lived in times when the political power of this country was in the hands of a small class. That class had a distinct interest opposed to that of the community. How did they employ it? By making bread dear throughout the whole country; and it has only been since you extended political power to the middle classes that you have been able to beat down the aristocractic monopoly. Then, I say, this great leading point must never be left out of consideration—namely, that if power is given to the majority of the country the majority have no interest in misusing it; while power conferred on the minority will be misused, because the minority have an interest in misusing it. But are we to be told that the working classes will not follow the intelligent and guiding minds of this country? I want to know what it is that has covered every sea with your ships, that has filled every mart with your productions, that has made England what she is? Why, the virtue and intelligence of the great body of your people. Those millions whom you have excluded from political power have made you what you are. Give them power, make them what they ought to be, and they will exalt, and not depress you. You will be greater than ever. And that is the reason why I wish to see them invested with political power. Not that I believe you would thereby see any great alteration in the composition of this House, but because you would take away from the working classes all cause of discontent, all belief that they are unjustly treated, and you would have a more contented, far happier, and more virtuous people. Well, this being the end, I have next to consider the means. And herein, Sir, I am about to differ from many of my friends, and more especially from my hon. Friend the Member for Birmingham. He believes that from this Bill you can get no good. I believe, if the Government be wise, we can get good from it. And I would throw out this hint to my hon. Friend, which has not perhaps yet suggested itself to his mind, that he has not a monopoly either of political intelligence or of political virtue. No man can have a higher esteem for the wonderful ability of my hon. Friend than I have. He is a great orator—I was going to say the greatest orator I have ever seen. But I do not regard him as a great statesman. If he had combined the two characters, he might have ruled the country. But the gift of speech which my hon. Friend possesses in so eminent a measure is not seconded and guided by that political wisdom which alone can give power over this nation. Then I have to ask, how can the present Bill be rendered most serviceable in attaining the end I have in view—namely, that of conferring political power on the great body of my countrymen? Can it be left in the hands of hon. Gentlemen opposite? Shall we be thrown upon the tender mercies of the noble Lord the Member for Tiverton, or upon the assistance of the noble Lord the Member for London? With regard to the first of these noble Lords, I must say that I do not look upon him as a Reformer. Some years ago, Sir, I had a much higher opinion of the noble Viscount's ability to do good than I have now; and the reason why my opinion has changed is, that when he was not in power I thought he manifested the most liberal intentions; but when in power he became as great a monopolist as I ever saw governing this country in my time. He would have been thought worthy of power if he had never attained it; but, having attained power, he has exercised dominion in a manner which, in my judgment, has unfitted him from ever regaining it. Then I come to the noble Lord the Member for London, who reminds me of a Chinese lady's foot, which has been so swathed and bound that, although it is to the owner's eye fair and beautiful to look upon, it does not help her onwards. The noble Lord's mind, Sir, has been so swathed and bound by party considerations that it is unfit for the task of ruling this great country. I gather from the noble Lord's career this conclusion, that he believes England is an appanage for Whig politicians—that he believes the good government of this country cannot be expected from any class but the Whigs; and he hopes—I think I don't here unfairly represent him—he hopes that within our time the power of England may be replaced in his hands. That, Sir, is a very laudable ambition; but I certainly do not favour it, because I believe just what I have said—namely, that though great advances have been made by the noble Lord, and more particularly in 1831-2, yet under present circumstances, we can get a better Government than can be formed either by the noble Lord the Member for Tiverton, or by the noble Lord the Member for London. And, Sir, until we are in a position to bring together the united forces of the great Liberal party, I would rather have weakness on that (the Ministerial) bench. Weakness is there now. I am speaking of political weakness, and of nothing else. I say I would rather have their weakness than I would have the noble Viscount back with all the arrogance and insolence which attended him before. The right hon. Gentleman the Member for Carlisle told us that great advantage had been derived from the Reform Act, and more particularly in the years which immediately succeeded its passing. Now, I differ with the right hon. Baronet thus far, that while I think great benefits have been obtained from the Reform Act, yet I believe that during the years immediately following the adoption of that measure the old habits of this country, and the constant deference to aristocratic political dominion, rendered the classes newly admitted to power unfit to govern themselves. Day by day, and year by year, however, our middle classes are beginning to feel themselves independent, and the very House of Commons in which we now are is a proof of the great improvement which has taken place since 1831-2; for of all the Houses of Commons in which I have had the honour of sitting, this is the most thoroughly independent. This I attribute to the great change which was made by the noble Lord. I don't know whether the noble Lord foresaw that consequence from his Act I have no doubt he sees it now. But the result is, that our middle classes are commencing to perceive that they have a right to a great share of political power, and they are educating themselves up to the point required for the governors of a country like this. Allow the working classes to come in, and you will bring the mind of the hard-handed and hard-headed men of England, with all their intelligence, patient industry, and persevering virtue, to bear upon the conduct of public affairs. You will break down more and more—and this, I own, is one great object that I have in view—aristocratic predominance in this country. The people will govern themselves, and they will be better governed. Well, then, what have I to do? To the Chancellor of the Exchequer I would put these questions in the most definite form, because I expect from him a definite answer:—I want to know, if this Bill passes a second reading, and we are allowed to go into Committee, and if in Committee this House should enact that the borough franchise should be fixed at £6, and the county franchise at £10, with no transfer of votes according to the present Bill, whether the Government would think that a cause or reason for their resignation. If they answer "Aye," then I say I shal vote against the second reading, because I think it more humane to put them out of their agony at once, than to allow them to go into Committee, and then find out that we are still as far from our object as ever. But if the right hon. Gentleman tells me that such an alteration will lead to no such result—that the Administration are quite ready to receive such an alteration of their Bill—then I say I will vote for the second reading. And I ask the noble Lord the Member for London why under these circumstances he should not also vote for it. I have no doubt that noble Lord wants a Reform Bill. Does he believe himself able to carry one? ["Hear, hear!"] You say "hear, hear," but there are two Houses of Parliament, and I saw in 1831-2, as did also the noble Lord, that this country was on the brink of a revolution because we could not otherwise force the House of Lords to pass a Reform Bill. Are we now in a position to coerce the House of Lords? Does the noble Lord believe that with his Reform Bill suited to the taste of this House he will ever pass its second reading in the House of Lords? Therefore I say, that if Gentlemen opposite will accept a Reform Bill such as I have faintly shadowed forth, they are much more likely to be able to carry it through the House of Lords than the noble Lord. If I get the answer which I have mentioned, I am ready, I am anxious to vote for the second reading of this Bill, because I believe that in the hands of the right hon. Gentleman the cause of Reform is more likely to be advanced that great step, than it is in other hands that are in this House. I have told the House that I would be brief. I would entreat them for a moment to put by party considerations. I would ask them to look this matter steadfastly in the face. The noble Lord tells me, as he has said in public, that Gentlemen opposite cannot accept the alteration of the Bill which I now propose; but if they do accept it, why should not he accept it too? If the Gentlemen opposite are prepared so to alter their Bill as to gain all the noble Lord intends, except the transference of political power, I ask him why he will not accept their Bill? No doubt, Sir, the noble Lord thinks he can govern this country better than Gentlemen opposite. I have no doubt that is his feeling. It is a very natural one, and I dare say that the noble Lord might retort upon me, that I believe that I could govern the country better. I at once acknowledge that I do believe it. I have no doubt that I shall never be tried, and therefore my estimation of myself in that particular will never be falsified. But I would entreat the House as Reformers, as persons representing the great body of the people, so to conduct themselves that they may bring this great question to an issue now, that they may advance the great question of Reform one step at least; and by so doing they will bring about that which I believe is now within their power, a better Government for the people of England.

The CHANCELLOR of the EXCHEQUER:—Mr. Speaker, after seven nights' debate, conducted with a vigour and variety which have sustained the reputation of this House, it is now my duty to examine how far that measure which, five weeks ago, I had the honour to introduce on the part of the Government, has been affected by this discussion, and to indicate the course which Her Majesty's Government think it their duty to recommend to the House this night to adopt with respect to it. Sir, it is some ten years since, or nearly so, that the Prime Minister of this country, then the leader of this House, occupying the very seat which I now fill, and being one of the principal promoters and projectors of the Reform Act of 1832, announced the deliberate opinion of himself and of his Cabinet to be that the famous settlement of 1832 was, in their judgment, no longer satisfactory and sufficient. And, Sir, from that period unto the present, with successive Ministries formed from different parties, the same opinion has been held, the same advice to Parliament has been given. The Crown has been pledged—the Parliament has been pledged—the Ministry has been pledged—to attempt to amend the representation of the people; but this is the first occasion on which a Bill with that object has been offered to this House for the second reading; and how am I met under these circumstances?

Now, Sir, what is this Bill which I have introduced? It is founded on three great principles. And we have had so much discussion about principles and about details that the House will permit me to remind it what those three great principles are. The first principle is, that the constituent body of this country shall be increased by the introduction to it of a large number of persons, and of a vast variety of the population, who shall in future possess the suffrage. Under this Bill, in pursuance of that principle, I believe as great an addition would be made to the constituent body as was made by the Reform Act of 1832. By the Reform Act of 1832 I believe 400,000 persons were added to the constituency. By the Bill which I introduced to the House five weeks ago I believe that a number certainly not less than that will be added to the present electoral body. The second principle on which this Bill is founded is that those large communities whose wealth and population, and distinctive character have been developed since the Act of 1832 shall be summoned to direct representation in this House. That is the second great principle. The third principle is that this Bill maintains generally the present borough system of representation in this country, on the ground that no efficient substitute has yet been offered for it; and on the ground also that it is the only means by which you can obtain an adequate representation of the various interests and classes of the country; and that all other proposed changes would only lead to the predominance of a numerical majority of the population. Now, Sir, these are the three great principles upon which this Bill is founded. All the rest, however important—all the rest is matter of detail, which ought to be, and can only be sufficiently discussed in Committee. The hon. and learned Member who has just addressed us (Mr. Roebuck), put to me a question, and called upon me frankly to reply to it. Sir, I will frankly reply to it. I say that every proposition in that Bill irrespective of the three great principles upon which it is founded, is a matter of detail; that the Committee is the proper stage in which to discuss those propositions and that to the discussion of those propositions in Committee I and the rest of the Government will give a candid consideration. But whether the point be a great one or a small one,—whatever view the hon. and learned Gentleman may take of it—I decline to pledge myself before the discussion takes place, and to say that I will defer to any determination that the Committee may arrive at. Sir, that appears to me to be a demand alike unreasonable and unparliamentary.

Sir, I have reminded the House what are the three principles upon which this measure is founded; and I may be permitted to say that I believe a majority, and a large majority, of this House is in favour of those three principles. Now, if this be the case, I should naturally have felt surprise at receiving a very fierce opposition to the second reading of the Bill. With the conviction I have that a majority of the House is in favour of the principles on which this Bill is founded, I had a right to count on success on the second reading. But we are not permitted to bring the question to that issue. With a majority of this House in favour of the principles upon which this Bill is founded, this measure is not to be tried upon its principles; but a Resolution is thrust, Sir, into your hands, which asks the House to commit itself on two points, which are, after all points of detail [Oh, oh!] which are, unquestionably, as I will show, points of detail, and which ought to be considered in Committee. What are the two objections to which the Amendment of the noble Lord refers? I will touch upon one, certainly of the least importance, with regard to what the noble Lord calls the disfranchisement of freeholders. Now, I cannot agree that any freeholder is disfranchised by this Bill. I think I might, with equal justice, say that the Bill provides for the enfranchisement of freeholders; but for the sake of discussion I will take the statement of the noble Lord. But is this the first Bill to amend the representation of the people in which there has been a measure of disfranchisement? The noble Lord has had great experience in Reform Bills; will he refer me to any Bill with which he was ever connected in which there was not a large measure of disfranchisement. Why, Sir, in the Bill of 1831 and 1832 the whole constituent body of the cities and boroughs of England, amounting in number to nearly 100,000 persons, was partially or completely disfranchised. Why, Sir, the noble Lord was not content on that occasion to propose the disfranchisement of the whole constituencies of all the cities and towns of the kingdom, but he carried on that occasion to a great extent the disfranchisement of the freeholders in the counties. Every freeholder who lived in one of the great towns that then was first summoned to Parliament, found, to use the language of the noble Lord, that the Bill disfranchised him as a freeholder of the county, and he became afterwards a voter for the borough in which he resided only in right of occupation. Sir, I received this morning a letter from a gentleman which is really excessively germane to this point. It will be recollected that some hon. Members who followed the noble Lord, like the right hon. Gentleman the Member for the University of Oxford, in solemn accents warned us of the unconstitutional character of our proposition to allow the freeholders to vote for boroughs. Now, the gentleman to whom I am referring, writing to me this morning, states that he lives in Bristol. This is a city, and, as you know, a county also, like several other great towns in England. The freeholders of Bristol vote for the city by virtue of a statute, nearly the oldest on our books. This gentleman, I say, informs me that he is a freeholder, and votes for the city. He is, however, not a freeholder by virtue of the ancient statute some 500 years old; but it so happened that when the Reform Bill passed in 1832 the boundaries of Bristol were greatly enlarged, and many county freeholders were brought within the liberties of the city. My friend and correspondent was one of those; and, according to the noble Lord's interpretation, and through the noble Lord's arrangement he was disfranchised as a freeholder and became merely an elector for the city of Bristol. But I am bound in fairness to tell the noble Lord that my correspondent is peculiarly pleased with that arrangement. He assures me that nothing was more pleasing to those freeholders who in a large county were nobodies, to find themselves changed into important persons in a city. The information received from other parts of the country similarly circumstanced is in accordance with that sentiment. Will the noble Lord deny that in all his Bills of 1831 and 1832 disfranchisement, as he calls it, was absolutely carried out on no very small scale? But what would the noble Lord have thought if, when he brought forward his great measure involving such important interests, and dealing with such large questions, he had been met by the Opposition of that day by a Resolution that the disfranchisement of the freeholders was such an unconstitutional course that it was impossible for the House to consider the question of the improvement of the representation of the people? What has been the conduct of the noble Lord in his subsequent Bills? Has not the noble Lord himself proposed the disfranchisement altogether of the existing freemen of the country to the number, I believe, of nearly 50,000? Has not the noble Lord brought in a measure, to ensure, as he alleged, the representation of minorities in Parliament, which would have the effect of depriving many of the county electors of their third votes? Some hon. Members might have considered those proposals—some did consider them — as rather objectionable arrangements; but, at all events, they were looked upon as matters of detail; nobody then met the noble Lord by a Resolution such as he has now brought forward, in order to carry away the attention of the House from the great principles involved, by asking the House, by way of censure upon the general scheme, to commit itself to mere points of detail.

Let me now, Sir, touch upon the much more important portion of the Resolution. But though it is the more important portion of the Resolution, let me remind the House it has been elicited in the course of our debates that it formed no part of the original instrument when it was first concocted in order to embarrass the Government.

But before I consider the subject of the amount of the borough franchise, it is absolutely necessary for me to place before the House, for the vindication of the Government, the particulars of the course they have taken. In doing so, it is requisite for me to touch for a moment upon the question of the county franchise. Now, there have been, no doubt, in the course of this prolonged debate, frequent expressions of opinion, and from persons of authority, in favour of the county franchise being fixed at the amount of £20. I believe, Sir, I am only fairly stating the case when I say that amongst us all there is no question between a £50 franchise and one of any other amount; but the real question is between an occupation franchise for the county of £20 and one of £10. I admit there have been frequent declarations of opinions by persons who ought to exercise, from their experience and ability, great influence in this House, in favour of a £20 occupation franchise for counties. Now, let us for a moment consider what the House has already done on this subject, and what has taken place in respect to it in the course of late years. In 1851 the noble Lord was Prime Minister of this country. An hon. Gentleman, a Member for a county (Mr. Locke King) had for some time previously brought under the consideration of the House the county franchise. It was then commencing to be a Parliamentary question of importance. In 1851 that hon. Gentleman brought forward a Motion for leave to introduce a Bill which would have reduced the occupation franchise in counties to the amount of £10. The noble Lord at the head of the Government resisted that Motion. The Motion was, however, carried by no inconsiderable majority, and the noble Lord resigned in consequence. It is very true that, from circumstances not anticipated, the noble Lord again returned to office in the same year. But the noble Lord when he returned to power, having acknowledged that it was in consequence of the adverse majority in respect to the question of the county franchise that he had resigned office, then announced that he and his colleagues had resolved to take the whole question of the representation of the people into their consideration; the noble Lord intimated his intention of introducing a Bill into the House as a general and comprehensive measure on the subject; and upon that undertaking, and that undertaking alone, the followers of the noble Lord no longer pressed the question, upon which they had already obtained a majority. In 1852, the noble Lord, in fulfilment of that pledge, after taking a whole year to consider the question with his colleagues, introduced his comprehensive measure of Parliamentary reform, in which every point was well weighed, and among the rest that of the county franchise. But the noble Lord on that occasion still resisted the policy advocated by the Motion of the hon. Member for East Surrey, and proposed a £20 occupation franchise for counties. The measure obtained no favour when it was introduced, and shortly after its introduction the Government of the noble Lord was broken up. Now the House will recollect that in 1851 the noble Lord's Government was destroyed by an adverse vote on this subject of the county franchise; and that in 1852 he gave no adhesion to the principle, and his re-constructed Administration did not exist more than a fortnight after the introduction of his measure. I think, Sir, it was in 1853 that another Government was formed. The country then appeared to be tired of Whig Governments—they were tired of Governments that did not possess the confidence of a majority of the House. No one could say how the question could be solved how a working majority could be obtained; and after the defeat of the noble Lord's Government and the defeat of Lord Derby's Government, it was resolved that means should be taken to establish a Government which, not only by the commanding talents of its Members, but by the general consent of the House, should conduct the affairs of the country with an administrative ability not hitherto experienced, and should settle all great public questions by the exercise of those qualities of the intellect which statesmen of the highest class could alone possess. Well, Sir, that Cabinet was formed, and it counted amongst its Members the most distinguished men, some of whom were the companions of the late Earl Grey and were Members of his Cabinet when he constructed the original Reform Act. There were also in this Cabinet some of the favourite and most favoured friends of the late Sir Robert Peel. There were others greatly distinguished also. There was in this Cabinet of which I am now speaking unquestionably a combination of ability that had seldom been brought together in one Council chamber. So great was the confidence of the country and this House in this Coalition Cabinet that, although at the moment they acceded to office they announced that their attention would be given to the question of reform with the hope and intention of settling it,—I will not say finally and for ever—but in a manner which would satisfy this and perhaps the succeeding generation—the confidence, I say, of the country and of Parliament was so great in his Cabinet that they accorded to them a period of time not less than twelve months, in order that they might not be hurried in their deliberations, and that they might be better enabled to offer to the House the matured results of their wisdom, of their experience, and of their investigation. Well, then, what did they do? These distinguished men having devoted all their genius, and intellect, and time to this great question, did come forward in due season with a large and comprehensive measure of Parliamentary reform. They met almost every question that was really and practically involved in that theme. They proposed a very considerable redistribution of seats, and a disfranchisement of small constituencies; they also proposed a reduction of the borough franchise. And what was the result at which they arrived in respect to the county franchise? With respect to the county franchise, after deliberating upon the question for a year, this Cabinet of eminent men, presided over by a statesman of European fame, but of Tory education, arrived at this result; they recommended to Parliament to establish in the counties a £10 occupation francise. Now, who were the men who recommended in 1854 this principle of a £10 occupation franchise? Why, Sir, among these councillors were many of the most distinguished Members of this House. The noble Lord was, of course, there, and was the organ of the Government by whom the measure was brought forward. There was the right hon. baronet the Member for Carlisle (Sir James Graham). There was also the noble Viscount the Member for Tiverton (Viscount Palmerston). There were, also, as Members of that Cabinet the right hon. Gentleman the Member for Wiltshire (Mr. Sydney Herbert) and the right hon. Gentleman the Member for the University for Oxford (Mr. Gladstone). Are we, Sir, to suppose —considering all the circumstances under which these distinguished Members of the Cabinet acted—that they were trifling with this important subject? Can we, Sir, believe for a moment that they would have given their assent to that proposition unless they had bestowed their most serious attention to the subject, with a due sense of the responsibility they had undertaken? We know, Sir, now—for the matter is no secret, I can refer to it without difficulty—we know, I say, that there was discord and dissension in the Cabinet upon this subject of reform. That Cabinet was also so unfortunate upon it, as to lose a colleague, though more fortunate than ours, that colleague returned to them. The retirement of the noble Viscount the Member for Tiverton, in the autumn, proved that the decision at which the Cabinet had arrived was not hastily formed, but that it was a question which they had considered with much pains, and with the fullest sense of their duty. Now, I ask, did the noble Viscount quit the Cabinet on account of the £10 franchise? If so, he must, by his returning back to the Cabinet have been fully convinced by the arguments of his colleagues. If the noble Viscount quitted the Cabinet on account of the £10 franchise proposed, why did not his distinguished colleagues who shared his opinions follow his example? Yet, Sir, to my surprise, it is from the lips of those Gentlemen I now hear that the solution of all these difficulties is to be found in the proposition, acceptable, they say, to the majority of a £20 franchise for counties. Surely after the Government of 1853, on a full and deliberate consideration of their responsible situation, had given in their adhesion and approbation to the £10 franchise, they must have felt how far they had by so doing advanced public opinion to sanction a proposition, which before that time had been supported only by the sympathies of the hon. Member for Surrey's followers in the House of Commons. And now, Sir, on this subject we are told that the counsels given by our late colleagues are the counsels which would be acceptable to the present House of Commons. I very much esteem the eloquence and abilities of my two right hon. Friends, whose assistance I have lost in this emergency; but I fear they might have spoken frequently and and at much length without producing the effect they have under present circumstances, if, remaining Members of Lord Derby's Cabinet, they had at this time supported a proposition for a £20 franchise in counties. But, Sir, I must pursue the history — for it is an instructive one— of this £20 franchise. The Bill of the Cabinet of Lord Aberdeen containing the £10 franchise for counties, was withdrawn in consequence of the war then impending, and which shortly afterwards broke out. That war for the moment diverted and distracted all men's minds from the consideration of this subject. There was a change of Government and there was a new Prime Minister; and when peace returned and all the joys of peace accompanied it, the £10 occupation franchise in counties was again a Parliamentary question. Well, it had been said that when the Government of 1851 was upset by that very Motion, the vote was not a fair expression of the opinion of the House of Commons. It was said that the division had been taken on it unexpectedly, and that the Minister had been surprised. No doubt, had these been the real circumstances, the noble Lord the Member for the City of London, who knows the House of Commons as well as any man, would not have felt it his duty to resign. The noble Lord knew well that the subject was one upon which his party were divided: he looked for no warm support on our side; and therefore he knew it was impossible to resist the question. But that was not the position of the noble Lord the Member for Tiverton when he became First Minister. Then came out what had been suspected, but not known, that the noble Lord the Member for Tiverton, though he had given his adhesion to the proposition of Lord Aberdeen's Cabinet, was in heart a supporter of the higher franchise; and when he became First Minister, and the question was again mooted, he declared that all the resources and energy of his Government should be employed to defeat the proposition for the reduction to £10. The noble Lord knew that from our side he would receive a generous and hearty support. I must remind the House that in the meantime there had been a dissolution of the House on the Chinese question, which had considerably reduced the Conservative ranks; but the noble Lord knew well we would support him. We did so. Every effort was made to support him. With pairs, 230 or 240 Gentlemen sitting on this side supported him; and in a very full House the Motion of the hon. Member for Surrey was defeated by a majority of 13. And when the next morning I revised the division list for my own instruction I found that the aid which the noble Lord with all his efforts and energy had brought to that division might be described by the figures which denoted the majority. There is yet one stage more in this eventful history. The time came when we sat last year on these benches, and the hon. Member for Surrey again brought forward his Motion; and when he did so, I moved the Previous Question on the ground that the Government of Lord Derby was about to consider the whole question. But the same courtesy was not accorded to me as, under similar circumstances, we accorded to the noble Lord. Subsequently, on the second reading of the Bill, at a period of the evening favourable to the assembly of hon. Members, every effort was made to resist the Motion. My hon. Friends near me looked with the greatest anxiety to the noble Lord the Member for Tiverton. They had an idea that with his aid we should have been saved. The noble Lord the Member for Tiverton gave them no encouragement. Several of my hon. Friends upbraided the noble Lord as if he had ill-treated them in the hour of need. I did not sanction that. I knew the position of the noble Lord. A division was called for, and the Motion was carried by a large majority. The noble Lord himself voted for it; but, Sir, I was informed, on the highest authority,—and, indeed, it was no secret—that had the noble Lord accompanied us into the same lobby he would have been followed by only four Members of his party. Sir, I mention these facts to show the impracticability of proposing a £20 franchise to this Parliament. I do not pretend to say that that was what influenced us. I believe the proposition would be impolitic. But when, night after night we have been asked why we did not propose a £20 franchise, and that by statesmen who, in the responsible position of Ministers of the Crown, had counselled the House to adopt a suffrage of a different character, I am obliged to show the House how—irrespective of its impolicy—how impracticable such a proposition would be. What would be our position if we had proposed a £20 franchise? I can tell you in a moment what it would be. The struggle that is now taking place would have taken place on that point, and I think with much greater advantage to the noble Lord, because then he would have been the champion of the House of Commons, whose deliberate and recorded opinions would have been outraged by our proposition; and no doubt the noble Lord would have carried his views against the Government. What would be our position had we followed the noble Lord's present advice, so contrary to his former policy, and now even smiled at with demureness by the hon. Member for Birmingham? Our position would have been this—had we proposed a £20 franchise for counties and a £6 for boroughs, we should have been obliged to commence our labours in Committee—had we ever got there—with a £10 franchise for counties and a £6 for boroughs.

That leads me to the very question of the borough franchise. Had we acted in accordance with the advice that is now so liberally given to us by those who never practised it themselves we should have been offering a measure to Parliament proposing a £20 franchise for counties and £6 for boroughs. I must now inquire whether we could with our view of what was our duty, have made a proposition of that character. Let us consider such an extension of the borough franchise as that recommended by the noble Lord. We have on this subject had in the present debate the opinions of several very eminent statesmen, including men of different schools of politics. There was my right hon. Friend the Member for the University of Cambridge. He is in favour of a £20 franchise for counties, and would like at the same time a £10 franchise for boroughs; but feeling that something must be done he says that he has no objection to consider the question of a £6 rating franchise for boroughs. Then we come to the noble Lord the Member for Tiverton. He is still steady in his affection for a £20 franchise in counties; and he does not conceal his complete respect for a £10 franchise in boroughs; but he says the noble Lord the Member for the City got him in a corner, and showed him his Resolution. He tells us that, having looked at it, he said, "We can act together; there is nothing in your Resolution that I cannot support." I quite concur with the noble Lord the Member for Tiverton. So far as the Resolution is concerned, by entering into this combination he makes no engagement which, as regards the borough franchise, will at all embarrass him. I am perfectly aware of all the tricks of management by which you can deal with the borough franchise: how you can manage to be doing a very liberal act, and yet keep out of the franchise the very class for which so many persons express so much sympathy. I have all these plans in my pigeon-holes, and could have availed myself of them with perfect impunity. An £8 rating franchise, which some fancy, would disfranchise half the constituency: a £7 rating franchise would do better than a £10 value; and even a £6 rating franchise, well doctored, might do your business. The noble Lord is not pledged to any of these by what was shown him in the Resolution. The simple alteration of any of what he calls our "fancy franchises," most of which he proposed himself, would have entirely redeemed the pledge of the noble Lord. I do not know any one who could reduce the borough franchise in a truer Conservative spirit than the noble Lord. But Sir, I will describe fairly and fully the propositions and the policy of my right hon. Friend and the noble Lord. I will take them as representing the school of politicians who support the scale of £20 in the county and £6 in the borough. That is called, and may be called by courtesy, the Conservative policy. I think, Sir, it is a feeble and dangerous policy, and because it is feeble and dangerous, I think it also a foolish policy; but still it is a Conservative policy, and it is supported by my right hon. Friend and the noble Lord. But, now let us advance to the propositions of other statesmen on this point, and see how they agree; because it is of great importance that we should understand what harmony on this point exists among those various critics of the measure of the Government. I will not be so unjust to the noble Lord the Member for the City as to estimate his policy by his Resolution. His Resolution is a party Resolution, drawn up in the spirit of party. I do not blame him for that. He draws up a Resolution in terms which will allow as many men as possible to support him; but the noble Lord as a statesman, must have a policy. He would not play and trifle with the Parliament of this country; and therefore I of course assume that he has a policy. I think he fairly describes that policy in his speech—so far as one can get at a precise declaration of a policy from a speech—as one which would admit to the franchise the great body of the working classes. Well, Sir, I think there is some system in that policy; but I wish we had something more of the detail; that we could have obtained from the noble Lord an idea of the means by which the great body of the working classes should be admitted. That omission I regret. But Sir, what we wanted was soon supplied by a very explicit and remarkable speech, which was delivered some time after that of the noble Lord—I mean the speech of the right hon. Gentleman the Member for Carlisle (Sir James Graham.) I must say that, that right hon. Gentleman addressed the House on this subject with great precision, and furnished the House with a programme sufficiently distinct, and one which I think the country will understand. Well, Sir, the disfranchisement of small boroughs, the extensive redistribution of seats, is the first article in the efficient programme of the right hon. Gentleman the Member for Carlisle. Then, not maintaining the phrase "an extension of the franchise," the right hon. Gentleman proposed a "reduction" of the franchise—not an inconsiderable reduction of the franchise—not less, as I collected from the right hon. Gentleman, than that very municipal franchise, at the least, into the very enormities of which a Committee of the other House is at this moment inquiring. Last, but certainly not least, with some courteous reluctance—adopted, I suppose, out of compliment to the House—the doctrine was introduced with prescient approbation of the election of Members of Parliament by ballot. I was not so astonished by the programme of the right hon. Gentleman as some were, for I remember a speech delivered on the hustings of Carlisle some years ago, from which we clearly understood—though it appeared afterwards that we were mistaken—that the right hon. Baronet had already adopted those opinions. I wonder whether the vision of the hustings of Carlisle has come across him to-day. But there is a programme distinct and clear, and no man, however liberal his opinions or independent his position, but must say, at last he has found a leader, and one who will forward a measure he will conscientiously support. But, then, there was in this speech of the right hon. Gentleman an admission not less important than the political programme, which in my opinion may exercise a considerable effect on the political fortunes of parties in this country. And what was the admission? Why, that he was one of the parents of the Resolution of the noble Lord the Member for the City. Quoting metaphors from the turf is now the fashion, and therefore I may say without offence, and without being misunderstood, that the right hon. Gentleman and the noble Lord are clearly confederates in this matter, for it appears that the Resolution was contrived by them together; and what is the irresistible, the inevitable inference, but that the noble Lord is pledged to the programme of the right hon. Baronet? Well, then, we have now a leader—or we have leaders—with a definite programme—large disfranchisement of small boroughs, extensive redistribution of seats, great reduction of borough franchise, municipal suffrage at the least, and vote by ballot* more than probable. This then is the programme of the right hon. Baronet the Member for Carlisle and the noble Lord the Member for the City. Practically speaking, I do not see what is the difference between their political system and that of the hon. Member for Birmingham. The Member for Birmingham has stated out of doors—and colouring this statement more highly than we are in the habit of doing in this assembly, and confessing as he always does with the frankness of his nature—that he would take less than he asks, and asks sometimes less than he wishes on some points not easy to recollect, which may exceed the programme of the confederates. But I have no doubt that the hon. Member for Birmingham, as a practical man, has no objection whatever, on these conditions and for the purpose of obtaining these results, to act with the noble Lord and the right hon. Baronet in any manner and in any place. Then, as for what are called the ulterior views of the hon. Member for Birmingham, the Throne may not always have been spoken of perhaps by the hon. Gentleman the Member for Birmingham with that reverence which I believe all Englishmen feel; the House of Lords may, by chance, have been denounced as a nuisance to the country; the Ecclesiastical establishments of the country may not have altogether received his approbation. But although the noble Lord and the right hon. Gentleman may not yet be so advanced, or if so advanced may not yet choose to announce their opinion, we know that in all Cabinets there may be open questions; and practically speaking, on this programme I think there is no reason why the hon. Member for Birmingham may not act as the trusty and honoured colleague of the right hon. Baronet and the noble Lord. We see then, there is an advantage in a Parliamentary debate; we see that we have arrived in this discussion at great results; we know something more of the opinions of individuals; we see somewhat more clearly the future of parties in the country; but what surprises me most is the combination of eminent men, with such opposite opinions and such opposite projects, againsts Her Majesty's Government. What I cannot reconcile is the mild Conservative policy of £20 in the counties, and some slight extension of the franchise in boroughs, advocated by the noble Lord the Member for Tiverton by my right hon. Friends and the distinguished colleagues of my Lord Aberdeen —I say I cannot reconcile that with the avowed, the determined, almost the flagrant, policy of the confederates and the hon. Member for Birmingham.

And now, Sir, how are we met upon this question? An hon. Gentleman, a friend of mine, who made a speech on the first night of this debate, the Member for Dorsetshire (Mr. Sturt), of whose talents I have so good an opinion that I believe he would not have made that speech on the last night of the debate, says that he is not afraid of the people of England; whereupon there is great cheering from hon. Gentleman opposite; and I doubt not that if the sentiment had been uttered so well and so forcibly at any of the minor theatres it would have been received with applause still more enthusiastic. My hon. Friend might have stopped and made two inquiries. He might have asked, What are the people? and, Why should I fear? Why, Sir, I have no apprehension myself that if you had manhood suffrage to-morrow the honest, brave, and good-natured people of England would resort to pillage, incendiarism, and massacre. Who expects that? But—though I would do as much justice to the qualities of our countrymen as any Gentleman in this House—though I may not indulge in high-flown and far-fetched expressions with respect to them like those we have listened to, for the people may have their parasites as well as monarchs and aristocracies—yet I have no doubt that whatever may be their high qualities, our countrymen are subject to the same political laws that affect the condition of all other communities and nations. If you establish a democracy you must in due season reap the fruits of a democracy. You will in due season have great impatience of the public burdens combined in due season with great increase of the public expenditure. You will in due season reap the fruits of such united influence. You will in due season have wars entered into from passion and not from reason; and you will in due season submit to peace ignominiously sought and ignominiously obtained, which will diminish your authority and perhaps endanger your independence. You will, in due season, with a democracy find that your property is less valuable and that your freedom is less complete. I doubt not when there has been realized a sufficient quantity of disaffection and dismay the good sense of this country will come to the rally, and that you will obtain some remedy for your grievances, and some redress for your wrongs, by the process through which alone it can be obtained—by that process which may render your property more secure, but which will not render your liberty more eminent. I know that I shall be told that these are old-fashioned notions. The hon. Member for Birmingham has said the same on the platform, which he is always praising and certainly adorns; he will point to the instance of the United States of America, and say, "This shows how completely erroneous are the notions entertained in Europe of democracy." But I say, between Europe and the United States there is no sort of analogy. I say the United States of America are colonies; for a country though independent does not cease to be a colony; and they are not only colonies, but they are absolutely colonizing, and none of the conditions obtain in them which regulate the social system of the ancient communities of this quarter of the globe. That being my opinion, I cannot look upon what is called reduction of the franchise in boroughs but with alarm; and I have never yet met any argument which fairly encounters the objections that are urged to it. You cannot encounter it by sentimental assertions of the good qualities of the working classes. The greater their good qualities the greater the danger. If you lay down as a principle that they are to enter the constituent body, not as individuals, but as a multitude, they must be the predominant class from their number, and if you dwell on their intelligence, you only increase the power they will exercise. I am taking the sentiments of the hon. Gentleman opposite as admissions for the sake of argument. I am not myself giving an opinion with regard to their intelligence. Now, Sir, we had to consider this question when we settled the point of the county franchise. We laid down for ourselves this as an object which we in our mixed Government ought to obtain with respect to a constituency. I made the observation when I first addressed the House on this subject; and I only make it again, because the hon. Member for Dovor (Mr. B. Osborne), who was not present, I believe, when I spoke, misconceived my statement, and ascribed what I said to only a borough constituency. I spoke of the great national constituency when I said, that "it ought to be numerous enough to be independent, and select enough to be responsible." Now, how is that to be obtained? We thought we could obtain that result by the introduction of a variety of franchises which should introduce numerous classes into the constituency with different pursuits and with different interests, and we felt that by the establishment of the same occupation-franchise in counties and in boroughs we should prevent the introduction of the mere multitude, which, if once we began the reduction of the borough franchise, would ultimately and speedily be accomplished, and at the same time supply means by which the most intelligent and the most meritorious of the working classes could enter into the great national constituent body. And was the policy not sound? Was it not a wise and effective policy. It requires no argument from me to establish that position or to enforce that rule. Why, the admission of the hon. Member for Birmingham the other night is conclusive on that point. What was his objection to this miscalled identity? He said, "if you have the same franchise in counties and towns, I see but very little chance of your ever reducing the suffrage in towns." Why, that was the very object we wished to attain, and it is something to have such an admission from the hon. Member for Birmingham himself.

MR. BRIGHT: I said, "more difficult."

THE CHANCELLOR OF THE EXCHEQUER: It is a great deal to have such an admission. When he tells us that there is "more" difficulty, it shows that he sees in its establishment a barrier and a bulwark to the promotion of his plans, and he of course would object to the establishment of a very large constituency, homogeneous, united, no longer with jealousy existing between its different classes, but at the same time a body so elastic and so expansive from the variety of its franchises, from the different kinds of property introduced, that it would be always increasing with the increasing prosperity of the country, and no man of common industry and intelligence would be shut out from the electoral privileges.

But to this policy three objections have been urged in this debate. The noble Lord objects to it, because he is against what he calls "uniformity of franchise"—a phrase that never escaped my lips. And he has used that phrase with respect to a measure containing the greatest variety of franchises that ever was included in a Reform Bill. Personal property, for the first time is completely admitted as a qualification for the electoral privilege. There is scarcely a class and scarcely a species of property which is not considered in this unprecedented variety of franchises; and yet the noble Lord rises to say, "I oppose the Bill because I object to a uniformity of franchise." Then, Sir, the noble Lord is against uniformity of franchise in counties and boroughs. But how has the noble Lord dealt with this matter? He has spoken throughout this debate as if it was an innovation unknown and unprecedented in our political annals. "It is unconstitutional; it is noxious; it is pernicious; it is unjust;" and for this reason he opposes our Bill in his speeches—and yet he never refers to the point in his Resolution. There is nothing in his Resolution against the uniformity or identity of franchise; because you may reduce or extend the franchise and yet may preserve uniformity; but in his speeches the noble Lord is extremely vehement against this unheard-of, this unconstitutional system, which according to the right hon. Member for the city of Oxford (Mr. Cardwell), would be the destruction of our constitution. What has the noble Lord himself done on this subject? What was the course pursued by the noble Lord the Advocate κατ᾽ ἐξοχην of Parliamentary Reform? The noble Lord, as a Member of Lord Aberdeen's Government, as the principal organ of the Government by whom that mature plan of Reform was introduced, proposed on that occasion five new franchises, with the consent of the right hon. Members for Wiltshire, Carlisle, and the University of Oxford, and also with the consent of the noble Viscount the Member for Tiverton. He proposed five new franchises, and at the same time that they should be alike extended to counties and boroughs. So much for identity and uniformity. The noble Lord failed for the moment in his praiseworthy attempt; but that was a policy which announced that the noble Lord was in favour of identity of suffrage in county and town; in favour of a great variety of franchises, and that they should be enjoyed equally by borough and by county. The noble Lord was extremely disappointed by the failure of his second Bill for Parliamentary Reform, and he made an announcement in this House which I well recollect—that he was convinced the time had gone by when, on subjects of reform, what are called general and comprehensive measures could be passed; and he therefore intended to devote himself in future to the support of the measure introduced by the hon. Member for Surrey. The noble Lord acted consistently with that declaration, for he has voted invariably in favour of that Motion, which establishes an identity between the borough and the county suffrage. So, therefore, in the proposal for five franchises, which by accident failed, and in the systematic policy that he has pursued since, the noble Lord has exhibited a consistent determination to support that very principle of identity or uniformity (as he erroneously calls it) of suffrage which now he denounces as an unheard-of innovation.

Then, Sir, the second objection to this Bill is, that under the policy which we recommend, the working classes are not considered. I have already incidentally touched upon that objection. I say that the working classes are admitted under the system that we propose in a manner which would be satisfactory to them when brought into operation, and in a manner consistent with the principles of our constitution. Hon. Gentlemen have talked as if the working classes at this moment had nothing to do with the suffrage; but from information that reaches me I find that a great portion of those who live in £10 houses, especially in the north, are working men. There are still 50,000 freemen who are working men, notwithstanding the kind intentions of the noble Lord. When hon. Gentlemen are talking so constantly of the progress of the country, of its increased wealth, of its advance in all the arts that contribute to the enjoyment of life, with cheap provisions, with high wages, and with other innumerable advantages arising from increased commerce, they shut their eyes to what is the fact if they believe that the working classes have not proportionately advanced, and that a mechanic who twenty-five years ago could not live in a £10 house does now and very frequently live in one. Sir, no inconsiderable portion of the constituency is composed of the working classes. I calculate that if you take our existing constituency at 900,000, certainly, even now, more than a ninth consists of working-men. But, Sir, the proposition that we make, and which, if we go into Committee, may, I have no doubt, be developed with great advantage, would add very much to that proportion; because by this Bill we propose that the 40*s.* freeholder shall, according to the old custom of England, again be found in a borough. We propose that the possessor of money in the savings' banks shall be a voter—a qualification that has been sneered at, but which I believe would at once bring 50,000 or 60,000 persons into the constituency, and which, by some alteration, might be made still more efficacious. We propose to open all these avenues to the constituents, and I believe that the result would be that the working classes would find their entrance into the constituent body greatly facilitated.

Sir, I will not touch upon the third objection to the Bill at any length, for it appears to be one of the most trivial description. I allude to the alarm expressed by the noble Lord and others, that if our propositions were entertained, electoral districts must be the inevitable consequence. When I am told that a difference between £10 and £20 is our only security against electoral districts I confess I feel some alarm. I had an idea that the traditionary feelings of the English people, their love of ancient landmarks, and that strong spell of local association that so greatly influences them, would make them love so much their counties and their boroughs that they would certainly never be induced to agree to an equal division of the soil for any electoral purposes. But admitting all the arguments that have been urged upon that topic they appear to me to be equally applicable to the existing system. If a large county with two Members, because you have a uniformity of franchise, is to complain of a borough with a much less population being equally represented, would not the same objection apply as between a small and large county, or a small and large borough! The whole of the arguments might be urged against the existing system, but they may be encountered by arguments which on other occasions I have offered to this House, and which I will not, therefore, intrude upon them, but which are perfectly irresistible in their application.

Sir, in thus noticing the two aims of the resolution of the noble Lord, I have incidentally offered arguments which really touched at the same time on the principal features of the Bill. I have shown to the House that that measure is founded upon three great principles, none of which, let me remind the House, have been impugned in this debate, but of all of which I believe a majority of this House approves. I believe a majority of this House approves of a large extension of the constituent body. I believe a majority of this House approves of calling into direct representation those communities that have grown into importance since the Reform Act was passed. I believe that a large majority of this House is against any great redistribution of seats or disfranchising extensively the small constituencies; and these are the great principles of this measure. Sir, I have told you also that although, if all the principles of this measure are approved of by this House, the necessary consequence of that approbation should be that the Bill should be read a second time, we are diverted from that issue by an Amendment of the noble Lord, which touches only two parts, and those of detail. I have shown the House that had we been in favour of a £20 franchise for counties, it was utterly impracticable to propose it. I have shown the House the reasons for the policy of adopting a £10 qualification for counties, and that it was the best security for preventing that reduction of the borough franchise, which cannot, in our opinion, be dealt with slightly and gingerly, and which if you enter upon again, you will be forced, not only to adopt the municipal suffrage, as the right hon. Gentleman the Member for Carlisle proposes, but at once to go down to household suffrage, and introduce democratic elements, the consequences of which I have slightly traced. And I have shown the House finally that under these circumstances we have proposed the construction of a constituent body which would have been numerous and at the same time elastic, and so formed as to have afforded an opening to all worthy of the suffrage. Now, Sir, how have we been met? What is the argument of the noble Lord the leader of the Opposition (Viscount Palmerston) on this subject? The noble Lord approves of the principle of this measure. He has announced that he is in favour of the second reading, but at the same time that he will vote for the Resolution, which we have declared is fatal to the Bill. I must say that I was astonished at the mode in which the noble Lord addressed us. I must express my surprise at the manner in which the Opposition has been conducted. I remember when party spirit in this House ran very high—which fortunately is not the case now—I remember when parties were nearly equally balanced, when the struggle for power was very hot, and when the excitement of the public mind out of doors from 1837 to 1841 was such as all must deplore. Between those dates no less than three votes of want of confidence in the Ministry were moved in this House; but I never heard of a contingent vote of want of confidence being brought forward. That was left to the present discussion, and to a near relative of a Member of the late Cabinet (Mr. O. Stanley). And I never heard in this House the leader of the Opposition, and one who has been in those high posts of confidence which the noble Lord has enjoyed, actually tell his opponents that if they counselled their Sovereign to exercise Her prerogative he would stop the supplies. This is so different from what one might have expected from the genial nature of the noble Lord, that, coupled with the announcement of the withdrawal of the vote of want of confidence, I must really treat the whole affair as a jest.

Sir, I must now say one word in reference to the noble proposer of this Amendment. We have heard a great deal about motives, and, Sir, I thought very unnecessarily, for motives are not imputed in Parliament; and if anybody supposes that they are it must be some new Member not sufficiently experienced in our manners. But I was astonished that it should for a moment have been supposed that a Gentleman like the Solicitor General should make use of expressions imputing unworthy motives to any one, least of all to the noble Lord. I am sure that it is quite impossible for any Gentleman upon second thoughts to suppose that he could have so intended; and the Solicitor General has this evening expressed what he did mean so clearly, and the noble Lord has received what he said so gracefully, that it is unnecessary to dwell longer upon that. I have no wish, no intention—from the bottom of my heart I say it—to impute any motives to the noble Lord unworthy his character or his position. The noble Lord may remember that when in 1854, at a moment of great personal distress, he withdrew, not without emotion, his Reform Bill, and some reproaches and some jeers were not spared him from his own side, I offered to him the unaffected tribute of the personal respect of the Gentlemen who then sat opposite to him. I do not think that there is a man who has sat long in this House but must honour the character of the noble Lord. I admire that character. I admire his great Parliamentary talents. I admire his ambition. Sir, it is not wise in this House to scrutinize with too much severity every act and every word of those who are intrusted with the conduct of parties in this House. In the fierce struggle of public life, and in the intense competition of this scene, one on whom devolves the lead of a party is called on for such constant action and such prompt decision that he must indeed be a wise and favoured being who can look back to everything that he has done without regret, and who may not have used words over which memory may mourn. But I am persuaded that neither the noble Lord nor any of his friends would desire that in this House there should be any diminution of that free and frank criticism upon the conduct of public men which has always been a part, and not the least valuable part of our Parliamentary life and manners. Therefore, I am sure that the noble Lord will not feel offended with me if I tell him that

I think there is one quality in his character which has rather marred than made his fortunes. It is a restlessness which will not brook that delay and that patience needed in our constitutional government for the conduct of public affairs. The moment that the noble Lord is not in power he appears to me to live in an atmosphere of coalitions, combinations, *coups d'ètât,* and cunning Resolutions. An Appropriation Clause may happen to every man once in his life. But there is only one man living of whom it can be said that in 1835 he overthrew the Government of Sir Robert Peel upon an impracticable pretext; that in 1852 he overthrew the Government of Lord Derby with an objectless coalition; that in 1855 he overthrew the Government of Lord Aberdeen by a personal *coup d'ètât;* and that in 1857 he overthrew the Government of the noble Lord the Member for Tiverton by a Parliamentary manœuvre. Now, Sir, I beg the noble Lord at this moment to throw the vision of his memory for an instant back to the year 1852. He sat before me then, the head of a mighty host. He drew the fatal arrow that was to destroy our Government. He succeeded. He destroyed in breathless haste the Government of Lord Derby; but did he destroy nothing else? Did he not destroy also the position of a great statesman? Did he not destroy almost the great historic party of which he was once the proud and honoured chief? The noble Lord does not sit opposite me now; but had he not hurried the catastrophe of 1852, and had he 'bided his time according to the periodic habit of our constitution, he would have returned to these benches the head of that great party of which he was once the chief and greatest ornament. What has the noble Lord done now; and what is the moment that he has chosen for this party attack—an attack which was not necessary to the vindication of his policy, or for the assertion of those principles which I believe he sincerely holds? I brought forward on the part of the Government a measure, founded on approved principles, for which fair play and custom would have insured a second reading. The discussion on the questions which the noble Lord has thrust, as it were, into the Speaker's hand would, in the due course of Parliamentary routine, have been postponed yet for some time. But what is the moment which the noble Lord has chosen to precipitate this struggle. A moment the most critical in the affairs of this country, and of Europe for many years past? The noble Lord well knows that some weeks ago I came down to the Table of this House, and informed the House that important negotiations were going on. The noble Lord has other means of information besides those supplied to this House. The noble Lord, I doubt not, is well informed of the present state of public affairs, and he could not have been unmindful of them in the introductory address to his Resolution, although that Resolution related only to a domestic subject, for the noble Lord could even that night think fit to cast a sneer at the Minister to whom is entrusted at this moment the most awful responsibility that ever fell to the lot of any Minister. At a moment when it was of vital importance that the authority of the Government should not be interfered with or embarrassed—at a moment, too, of all others and of all men when the Minister for foreign affairs should not be held up to public scorn—the noble Lord chooses that moment for a party attack and for a personal sneer. I should not be acting with frankness and fairness to the House if I concealed the fact that the conduct of the noble Lord has been most embarrassing to the Government. I declare it on my responsibility as a Minister, that the conduct of the noble Lord has produced injurious effects on the public service. But Sir, I have such confidence in the integrity of our allies, I have such confidence in the energy and resources of that Colleague against whom the noble Lord directed this sneer; I have such confidence above all in the patriotism of the House of Commons, that I believe the division of to-night will confound the calculations and the combinations of the noble Lord, and will assist and perhaps insure the peace of Europe. The noble Lord, who, on these occasions is always in the habit of introducing the question of dissolution, told me the other night that he was ready for the hustings, and that he should brandish upon them the Bill that I had introduced. In the office over which it is my honour to preside, I have often an opportunity of meeting some of the principal constituents of the noble Lord, great merchants and eminent bankers of this metropolis—men of different opinions, agreeing in nothing else but in their readiness at all times to assist the Administration of this country. I am indebted as much as my predecessors undoubtedly were, to their wise counsel and their zealous aid; but I can tell the noble Lord that when they come to my office it is not Parliamentary Reform that they speak about, it is not financial interests that most concern them, but what they say is, "Peace! Let the Government give us peace; it is the only thing that we require. Our energies are depressed, our commerce circumscribed, and our enterprise crippled; but let the Government secure for us peace, and then they will be entitled to the gratitude and confidence of their country." I thought, Sir, we had secured peace. I thought the time had arrived when I might have come down to this House and tell them that the dark disquietude that for three months has overshadowed Europe had passed away, had been succeeded by serenity and repose; but for this untoward, this unhappy Motion of the noble Lord that might have been. And I tell the noble Lord that when he goes to the hustings, of which he talks, and brandishes this Bill, he will find the minds of his constituents full of another matter, and that they will demand from him the reasons for the course he has adopted.

Sir, it is something more than a year ago that Her Majesty summoned Lord Derby to Her councils. Lord Derby then, as on all other occasions, expressed to Her Majesty his readiness, as a last resource, to serve his Sovereign: but he also felt it his duty then to explain to the Queen that his position in the House of Commons had been much weakened by the last general election, and that he could not count in the following of his friends, on more, probably, than one-third of the Members of this House; and, Sir, under these circumstances, Lord Derby humbly submitted to Her Majesty his wish that Her Majesty would reconsider her intention and deign to pause before Her Majesty commanded him to undertake so difficult a task. The Queen was graciously pleased to act on that suggestion, and Her Majesty did reconsider her intention. Her Majesty surveyed the condition of her kingdom and of her empire with that comprehensive and perfectly impartial spirit which all who have served Her Majesty know that she ever exercises. And it was under these circumstances, having reconsidered the position of affairs, that Her Majesty deigned to signify to Lord Derby that she deemed it was his duty to undertake the manage- of public affairs. Sir, we have endeavoured, in pursuance of the command of our Sovereign, to administer the affairs of this mighty empire. That we have done so sedulously I presume to say; that we have conducted them not altogether without success I venture to believe. I know, Sir, that when we acceded to office there was a great fear in the public mind that this country was not defended as became England; but we now know, Sir, that the name of England carries due authority abroad, and that she can add to negotiation all that influence that results from the consciousness of power. I know that when we acceded to office there was great distress and depression in men's minds; a fear of increased taxation impending and disappointment from the suspicion that engagements for the reduction of taxation would not be fulfilled. But, Sir, the burdens on the public have not been increased, and the promises of reduction have been realized; and the state of our revenue is, in every sense, highly satisfactory. With regard to the more important branch of foreign affairs, I can say truly that although in that respect we had an inheritance of trouble, and probably during the period of our official existence we have had as many difficulties to deal with as could well fall to the lot of any Ministry, although during the last three months the question of peace or war has sometimes appeared to tremble in the balance, and to be only a matter of a moment, still we have so managed affairs that all immediate dangers appear to have vanished. There is now a prospect of arrangement, which, if concluded, will lead to the establishment of undoubted and enduring peace. I touch, Sir, on principal topics: doubtless there are others, and of importance, but I will not dilate on them now. We have, I think, introduced measures calculated to make law reform not merely a mockery and a by-word. If we are indebted for the pacification of India to the wisdom of our rulers and the valour of our chiefs, at least it must be acknowledged that this Administration did support and promote the success and heroism of those men by sending out to them, under great stress and difficulties, those supplies of valiant soldiers and those munitions that led to the triumphs they achieved. The noble Lord has talked, as he always talks, of a dissolution of the present Parliament. These are words that cannot escape my lips, and I must, with the permission of the House, refrain from touching upon that theme; but I may be allowed to say, in answer to the noble Lord, that if in the course of time the present servants of the Queen find themselves upon the hustings before their constituents, I for one have that confidence in a great and generous nation that I believe that in that eventful hour they will not forget the difficulties under which we undertook the administration of affairs; nor perhaps, Sir, be altogether unmindful of what, under those difficulties, we have accomplished for their welfare. It is the conviction we entertain of the justice of the people of England—it is because we believe in the power of public opinion, that we have been sustained in this House during our long and anxious struggle, and are still sustained, even at this moment, amid all the manœuvres of Parliamentary intrigue, and all the machinations of party warfare.

Question put:—The House *divided*: Ayes 291; Noes 330: Majority 39.

List of the AYES.

Adams, W. H.
Adderley, rt. hon. C. B.
Alexander, J.
Annesley, hon. H.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bailey, C.
Baillie, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Bernard, T. T.
Bernard, hon. Col.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.
Bective, Earl of
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blake, J.
Boldero, Col.
Booth, Sir R. G.
Botfield, B.
Bovill, W.
Bowyer, G.
Boyd, J.
Brady, J.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Brocklehurst, J.
Bruce, Major C.
Bruen, H.
Bunbury, W. B. M'C.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir Hugh M'C.
Carden, Sir R. W.
Carnac, Sir J. R.
Cartwright, Col.
Cayley, E. S.
Cecil, Lord R.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Churchill, Lord A. S.
Clark, J. J.
Clive, hon. R. W.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Cole, hon. J. L.
Colebrooke, Sir T. E.
Collins, T.
Conolly, T.
Coote, Sir C. H.
Copeland, W. T.
Corbally, M. E.
Corry, rt. hon. H. L.
Crook, J.
Cross, R. A.
Cubitt, Mr. Ald.
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Davison, R.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, E. C.
Egerton, W.
Elcho, Lord
Elmley, Visct.
Elphinstone, Sir J.
Elton, Sir A. H.
Emlyn, Visct.
Estcourt, rt. hn. T. H. S.
Euston, Earl of
Farnham, E. B.
Farquhar, Sir M.
Fellowes, E.
Ferguson, Sir R.
Finley, A. S.
FitzGerald, W. R. S.
Fitzwilliam, hon. G. W.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greenall, G.
Gregory, W. H.
Griffith, C. D.
Grogan, E.
Gurney, J. H.
Haddo, Lord
Hall, Gen.
Hamilton, Lord C.
Hamilton, J. H.
Hanbury, hon. Capt.
Hankey, T.
Hardy, G.
Hardy, J.
Hassard, M.
Hayes, Sir E.
Heard, J. I.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Henniker, Lord
Hervey, Lord A.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Holdford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Hudson, G.
Hughes, W. B.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jervis, Capt.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Laurie, J.
Lefroy, A.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lever, J. O.
Liddell, hon. H. G.
Lincoln, Earl of
Lisburne, Earl of
Locke, Joseph
Lockhart, A. E.
Long, W.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.
Macartney, G.
Macauley, K.
MacEvoy, E.
McClintock, J.
Maguire, J. F.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Miller, S. B.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Morgan, Major
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
Norreys, Sir D. J.
North, Col.
Northcote, Sir S. H.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Pakington, rt, hn. Sir J
Palke, L.
Palmer, R.
Palmer, R. W.
Patten, Col. W.
Paull, H.
Peel, rt. hon. Gen.
Pennant, hon. Col.

Percy, hon. J. W.
Pevensey, Visct.
Philipps, J. H.
Powell, F. S.
Pritchard, J.
Pugh, D., Carmerthen C.
Pugh, D., Montgomery
Ramsay, Sir A.
Repton, G. W. J.
Richardson, J.
Robertson, P. F.
Rolt, J.
Rust, J.
Sclater-Booth, G.
Scott, hon. F.
Scott, Major
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, M. T.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Somerset, Col.
Spaight, J.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Stephenson, R.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Tempest, Lord A. V.
Tollemache, J.
Tottenham, C.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Welby, W. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Col.
Willoughby, Sir H.
Wilson, A.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wyndham, H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W. G. H.
Taylor, Col.

List of the NOES.

Adair, H. E.
Adeane, H. J.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Akroyd, E.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Ayrton, A. S.
Bagshaw, R. J.
Bagwell, J.
Baines, rt. hon. M. T.
Baker, R. W.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Barnard, Tho.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bright, J.
Briscoe, J. I.
Brown, J.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Bulkeley, Sir R.
Buller, J. W.
Burk, Sir T. J.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Byng, hon. G.
Caird, J.
Calcraft, J. H.
Calcutt, F. M.
Calthorpe, hon. F. H. W. G.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Cheetham, J.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clinton, Lord R.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Coke, hon. W. C. W.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Cowper, rt. hon. W. F.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Denison, hn. W. H. F.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dunne, M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Ennis, J.
Esmonde, J.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fagan, W.
Fenwick, H.
Fergus, J.
Ferguson, Col.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hon. C. W. W.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
French, Col.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Glyn, Geo. G.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greenwood, J.
Greer, S. M'Curdy
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Gurdon, B.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, R.
Handley, J.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marq.
Hatchell, J.
Hay, Lord J.
Hayter, rt. hon. Sir W. G.
Headlam, T. E.
Henchy, D. O'Connor
Heneage, G. F.
Herbert, rt. hon. H. A.
Herbert, rt hon. S.
Hodgson, K. D.
Holland, E.
Hotham, Lord
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E. J.
Jervoise, Sir J. C.
Johnstone, Sir J.
Keating, Sir H. S.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, John
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Mackinnon, Wm. Alex. (Rye)
Magan, W. H.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Mellor, J.
Mills, T.
Milnes, R. M.
Moffatt, G.
Moncreiff, J.
Monsell, rt. hon. W.
Monson, hon. W. J.

Morris, D.
Napier, Sir C.
Nicoll, D.
Norris, J. T.
North, F.
O'Brien, P.
O'Connell, Capt. D.
O'Donoghoe, The
Ogilvy, Sir J.
Onslow, G.
Osborne, R.
Owen, Sir J.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Price, W. P.
Pryse, E. L.
Proby, Lord
Puller, C. W. G.
Ramsden, Sir J. W.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
Saint Aubyn, J.
Salisbury, E. G.
Salomons, Ald.
Samuelson, B.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Sheridan, R. B.
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smith, rt. hn. R. V.
Smith, A.
Somerville, rt. hon. Sir W. M.
Stafford, Marquess of
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, S. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hn. F. J.
Tomline, G.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Vliliers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Walter, J.
Warre, J. A.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Young, A. W.

TELLERS.
Brand, H. B. W.
Knatchbull - Hugessen E. H.

Question proposed, "That the proposed words be there added."

MR. WYLD:—I wish to add an Amendment. ["Oh, oh!"] It is, "That at any election of a Member or Members to serve in Parliament, the votes shall be taken by ballot." I am sure, after the protracted debate which has just been brought to a termination, I shall best consult the convenience of the House by not entering into the general question involved in my Amendment. ["Hear, hear!" "Divide!" *and laughter.*] I shall, therefore, at once move that the words I have read be added to the Resolution. [*Cries of* "Withdraw!" *and* "Divide."]

Amendment proposed to the said proposed Amendment, by adding at the end thereof the words "and that at any Election of a Member or Members to serve in Parliament, the Votes shall be taken by Ballot."

MR. H. BERKELEY:—Sir, as this is a question which I have taken a prominent part in advocating for many years past, I trust to the courtesy of hon. Members to allow me to address a few observations to the House. First, I would request my hon. Friend (Mr. Wyld) not to press his Motion. Sir,—["Divide!" "Go on!"], I have always consulted those hon. Gentlemen who have done me the honour to place me in the front of the battle in this question as to the mode in which it should be brought forward; and I find it is the general opinion of the leading men of that particular party that it will be detrimental to the ballot to introduce it to the House in this manner. It is not, however, in deference to any man or any set of men that I have come to the conclusion that this is not the time or the occasion for propounding it. I do not think a man is called on to support any question, however important, if he be of opinion that it is brought forward in an improper manner. ["Divide!"] If my hon. Friend will give notice of a substantive Motion on this question, it shall have my cordial support. ["Divide!"] But if he persists in dividing now, I will certainly not go into the same lobby with him. I will not vote against the ballot, but I will certainly withdraw from the House. I entreat the hon. Gentleman not to place this question in this disadvantgeous position. [*Loud cries of* "Divide!" *and laughter.*]

MR. MILNER GIBSON:—Sir, it appears to me that to commence the discussion of such an important question at such a moment as this would be perfectly unprecedented. ["Oh;" *and interruption.*] I am in favour of the ballot—["Divide, divide!"],—but I respectfully submit to my hon. Friend that the best mode of submitting the question of the ballot to the House will be to give notice—[*Interruption*, "Divide!"] If he wants to take an unfair division upon the ballot—if he wants to obtain the least possible support, he will go to a division now. ["Divide!"] As a friend of the ballot I trust he will not call for a division. If he does, I for one will not go into the lobby with him.

Mr. CLAY rose amid loud cries of "Divide!" All that could be made out was that the hon. Member moved the adjournment of the debate. ["Divide, divide."]

Sir JOHN SHELLEY next rose, but being received with cries of "Oh," and "Divide!" sat down.

Lord JOHN RUSSELL then addressed the House, but not one word could be distinguished.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Question put, "That those words be there added."

The House *divided*:—Ayes 98; Noes 328: Majority 230.

List of the Ayes.

Adair, H. E.
Alcock, T.
Bazley, T.
Beale, S.
Biggs, J.
Blake, J.
Bouverie, rt. hon. E. P.
Bowyer, G.
Brady, J.
Brocklehurst, J.
Butler, C. S.
Buxton, C.
Caird, J.
Campbell, R. J. R.
Clifford, C. C.
Collier, R. P.
Copeland, W. T.
Corbally, M. E.
Cox, W.
Crook, J.
Crossley, F.
Dalglish, R.
Devereux, J. T.
Dillwyn, L. L.
Divett, E.
Duke, Sir J.
Dunne, M.
Ellice, E.
Ewing, H. E. C.
Fergus, J.
Ferguson, Col.
Foley, H. W.
Freestun, Col.
Greene, J.
Greer, S M.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hanmer, Sir J.
Henchy, D. O'Connor
Horsman, rt. hon. E.
Hume, W. W. F.
Ingham, R.
James, E. J.
Keating, Sir H. S.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Laslett, W.
M‘Cann, J.
MacEvoy, E.
Magan, W. H.
Maguire, J. F.
Mangles, C. E.
Martin, P. W.
Martin, J.
Massey, W. N.
Monson, hon. W. J.
Morris, D.
Norreys, Sir D. J.
O'Brien, P.
O'Donoghoe, The
Ogilvy, Sir J.
Onslow, G.
Pease, H.
Pechell, Sir G. B.
Philips, R. N.
Pigott, F.
Pilkington, J.
Price, W. P.
Pryse, E. L.
Ramsden, Sir J. W.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Schneider, H. W.
Sheridan, H. B.
Smith, J. A.
Smith, A.
Stuart, Lord J.

Stuart, Col.
Sullivan, M.
Talbot, C. R. M.
Thompson, Gen.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Trueman, C.
Tynte, Col. K.
Villiers, rt. hon. C. P.
Vivian, H. H.
Westhead, J. P. B.
White, J.
Willyams, E. W. B.

TELLERS.

Wyld, J.
Nicoll, D.

Question, "That the words of the proposed Amendment be there added, put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Resolved, That this House is of opinion, that it is neither just nor politic to interfere, in the manner proposed in this Bill, with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no re-adjustment of the Franchise will satisfy this House or the Country, which does not provide for a greater extension of the Suffrage in Cities and Boroughs than is contemplated in the present Measure.

The CHANCELLOR of the EXCHEQUER:—It will, perhaps, be convenient to the House to know that I shall propose that this House at its rising adjourn until Monday.

House at rising to adjourn till *Monday* next.

House adjourned at Two o'clock,
till Monday next.

HOUSE OF LORDS,

Friday, April 1, 1859.

Minutes.] Public Bills.—1ª Sale of Gas.

THE SALT TRADE TO CHINA.

QUESTION.

Lord STANLEY of ALDERLEY said, he had no intention to embarrass the Government in the Question which he was about to put to the noble Earl, the Secretary of State for Foreign Affairs. Salt was now successfully exported to India, and it had become of the greatest importance to the owners of our salt mines that the great Empire of China should be opened to their trade; and an application had been made to the Foreign Office that they would open a negotiation with the Chinese Government with that object. He begged to ask, Whether any instructions have been sent out to the Earl of Elgin to negotiate with the Chinese Government respecting the Admission of British Salt into that Empire, and whether any Communication have been received from him upon the Subject? Also, Whether any instructions were given to the Hon. F. Bruce, Her Majesty's Ambassador at Pekin, directing him to press this matter on the attention of the Chinese Government?

THE EARL OF MALMESBURY said, he was quite sure that, in putting this question, his noble Friend had no intention to embarrass Her Majesty's Government. In reply to his question he had to inform him that Lord Elgin had received no instructions upon this subject, because it was thought better that the matter should be left entirely to his discretion; when the treaty reached Her Majesty's Government it was found that no provision had been made in reference to salt, which therefore still remained a contraband article. When the Hon. Mr. Bruce went out, a month ago, he was charged with instructions to put this upon another footing, and to ascertain, with the advice of the other officials in China, on what terms salt might be admitted into China.

MINISTERIAL EXPLANATION.
THE VOTE ON THE REPRESENTATION OF THE PEOPLE BILL.

THE EARL OF DERBY: My Lords, in rising to move the adjournment of the House till Monday, I trust that my silence on the present state of public affairs will not be construed by your Lordships into indifference or disparagement of the unfortunate consequences which result from the vote of last night; on the contrary, my Lords, I consider that vote to be of such serious consequence that I felt it necessary to invite my colleagues to meet at an early hour this morning; and after the meeting of the Cabinet I had the honour of an audience with Her Majesty at Buckingham Palace. My Lords, I have not the sanction of Her Majesty to make any communication to your Lordships in regard to what took place; and I think that the state of affairs is so critical and the consequences of the vote of last night are so important, that, considering the House of Commons has adjourned till Monday, I think I shall best consult your Lordships' convenience, and the convenience and interest of the public, and shall best show my sense of the gravity of the occasion, by postponing till Monday any statement I may have to offer to your Lordships. But I shall be prepared on that day to lay fully before your Lordships the advice which I and my colleagues have thought it our duty to tender to Her Majesty, and the course which, with Her Majesty's sanction, we propose to adopt.

House adjourned at half-past Five o'clock to Monday next, Eleven o'clock.

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HOUSE OF LORDS,

Monday, April 4, 1859.

MINUTES]. PUBLIC BILLS—2ª Patents for Inventions (Munitions of War); Common Rights, &c. (War Department).

MINISTERIAL STATEMENT.

THE EARL OF DERBY*: My Lords, the magnitude of the interests involved in the statement which it will be my duty to submit to your Lordships will, I am sure, be a sufficient justification for my interposing between this House and the ordinary business of the day. And if, with a view to place myself in order, and to enable others, if they so think fit, to follow me, I make the formal Motion that this House do now adjourn, I trust your Lordships will believe that I make that Motion merely as a matter of form, and not with the slightest desire to interfere with the progress of business after I shall have concluded my present statement. My Lords, in explaining to your Lordships the advice which, in common with my colleagues, I felt it my duty humbly to tender to Her Majesty, and the course which, with Her Majesty's gracious sanction, we propose to adopt, it is unnecessary for me, I am sure, to recall to your recollection the circumstances which have rendered any such announcement requisite. It must be fresh in the memory of all your Lordships that on Thursday night last the House of Commons, after a debate of seven nights, and in one of the fullest Houses ever known, by a considerable majority sanctioned an Amendment which had been moved by the noble Lord the Member for the City of London, upon a proposition of Her Majesty's Government for the second reading of the Bill which they had introduced with regard to the representation of the people in Parliament. My Lords, it is only due to the House of Commons to say that, in a now considerable Parliamentary experience extending over thirty-seven years, I never
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remember any debate which was conducted with such an amount of unflagging interest from the commencement to the end, with a greater degree of ability, and above all —in a case which might naturally excite strong political and personal feelings— with so little asperity or acerbity either on the one side or the other. I think, my Lords, that in point of ability, in point of tone and temper, that debate was highly creditable to both sides of the House, and may fairly challenge comparison, not only with those debates which we have heard of as taking place in those days when it is said there were political giants, but undoubtedly, also, in those more recent times of which many of your Lordships, with myself, have had experience, and during which, too, there have occurred exciting debates in which we have borne our respective parts. My Lords, I shall reserve for a future part of the statement I have now to make any observations upon the nature and character of the Amendment to which I have referred. I would only say at present that, in the unanimous judgment of my colleagues and myself, the result and effect of that Amendment left us only two possible alternatives between which to choose—namely, either the immediate tender of our resignation of the offices we have the honour to hold, or, on the other hand, an appeal to the judgment and opinion of the country. My Lords, I know that many of our political friends and some of our political opponents have suggested that there is another course which might be taken, and without discredit to ourselves—that we might take the course of ignoring altogether the decision which the House of Commons have pronounced of simply dropping the Bill which we have introduced, and of proceeding — without taking any notice of the vote which has been passed—with the ordinary business of the Session. My Lords, in my judgment such a course would neither be respectful to the House of Commons nor consistent with our Parliamentary and constitutional duty. It was impossible for us to conceal from ourselves that the vote taken was substantially a vote of want of confidence in the Government; for the House of Commons would not permit them even to discuss the measure which they had introduced. And if, under such circumstances, we had taken no notice of that vote, I think we should have been 'ustly charged with a contemptuous indifference to the opinion of that House, and should have provoked and brought down upon ourselves heavy and well-merited censure. My Lords, there was, as I have said, but one of two courses for us to pursue—either respectfully to bow to the opinion of the House of Commons, or, on the other hand, to appeal from the judgment of that House to the only higher constitutional power in the country—namely, the constituencies of whom they profess to be the representatives. Another course was suggested to Her Majesty's Government, from no friendly quarter and in no friendly tone; that suggestion was so incompatible with the feelings and character of Her Majesty's Government that it was impossible for a single moment to entertain it, and the bare supposition that Her Majesty's Government could agree to it approached as near as possible to a personal insult. But before I proceed to state to your Lordships the course we have resolved to adopt, and the reasons for taking it, I must beg your Lordships to look back to the circumstances under which Her Majesty's present Government accepted the responsibility of office, and even to carry your memory still further back, and bear with me while I take a brief and rapid retrospect of a few years, and the various changes and fluctuations they have produced in our Parliamentary contests. I have heard it said that the days of Parliamentary Government have come to an end. If by that is meant that the days are gone by when the House of Commons was divided into two distinct parties—within each of which the leaders exercised an undisputed and uncontrolled power over their followers, commanding their votes and exercising a species of Parliamentary discipline—then, I admit, those days are gone, and are not likely to return. Nor do I think, though there was a great convenience to the public in this sharp separation of parties, that the change has been, on the whole, prejudicial. But, my Lords, if it is meant that henceforth no Government can hope for support, not on individual questions on which exceptions may occur, but that no Government will hereafter be able to obtain a permanent majority in the House of Commons strong enough to prevent it being overborne by other conflicting parties, not themselves bound by any common tie, each having its own leaders and its own projects, if the House of Commons is to be divided into a number of little parties, none capable of exercising a permanent influence on the affairs of the country, but able collectively to thwart the measures and impede the business of the Ministry that has been formed, if, in that sense, Government by party is at an end, then I warn your Lordships that the system of Government by Parliament itself will have a very heavy shock to encounter. If we look back on the history of the last few years, at least since the lamented death of the late Sir Robert Peel, such has been almost the normal condition of the House of Commons. My Lords, I should be most ungrateful if I applied the observations I now make to the great Conservative party with which I have for many years been connected; I should be most ungrateful if I did not recognise with the deepest emotion of thankfulness the cordial, the warm, the unwavering support, I have for many years received from that important party. It has given me a cordial and generous support—a support founded in some degree on personal regard, but, I hope, still more on a concurrence of political opinion, and a belief that I have exercised power to the best of my judgment, and of such faculties as I possessed, for the welfare of the country. But if I look at those who sit on the other side of the House of Commons, I see—and see it with regret, because it stands in the way of all public business—I see "confusion worse confounded." I see a number of parties incapable of concurring together in support of a Government, yet most dangerous when accidental circumstances bring them together to oppose it. I see, and I lament to see it, a large portion of the House of Commons enlisted under separate leaders and following different guides, prevented by mutual differences and mutual jealousies from acting together for the good of the country. If we look back on the last few years, we shall see that Parliament itself has been the theatre of constant and unceasing rivalry between the two noble Lords who have alternately been the leaders of the so-called Liberal party. I wish to speak of the noble Lord the Member for the City of London (Lord John Russell) with all the respect I unfeignedly feel for his many valuable qualities; nor am I slow to recognise the services he has conferred on his country. Nor can I have the slightest doubt of the sincerity of his zeal in bringing forward the question of Parliamentary Reform: of that question he has been the consistent and unflinching advocate; to that question the noble Lord is constitutionally attached, but attached less with the affection of a parent, anxious for the prosperity and advancement of his offspring, than with the jealous affection of a lover, ready to sacrifice anything to obtain the beloved object, but ready, also, to die rather than that object should receive any attention, or owe either happines, or advancement to any other person. The noble Lord of whom I have spoken has many high and distinguished qualities, but there is combined with them a restless disposition, an insatiable craving always to be doing something, and a determination that whatever is done shall be done by himself, or not at all. His indomitable perseverance in the discharge of business—which has hardly found sufficient scope in the performance of official duties—is accompanied with a degree of restlessness under which he cannot be satisfied for a moment unless he is seeking to do some injury to the cause of those who are acting against him. The noble Lord has had the singular fortune of having overthrown more successive Governments than any other statesman; and not only Governments to which he was opposed, he has more than once been the means of overthrowing the Government of which he was a member. I am not going back as far as 1834, when I was a colleague of the noble Lord, and when an imprudent statement made by him in the House of Commons led to the disclosure of certain dissensions in the Cabinet of Earl Grey, and induced me to drop an expression in reference to the noble Lord's conduct that afterwards became almost proverbial. That was in 1834. In 1835 Sir Robert Peel succeeded to power; at the same time a question had been opened most important to the welfare and peace of Ireland: it was the extinction of the tithe system by the substitution of a rent charge. The Government of Sir Robert Peel gave notice of the introduction of a Bill on that subject early in the winter of 1834; but it did not suit the noble Lord the Member for the City of London that the question should be in any hands but his own. He adopted a course at that time unprecedented, but which has furnished a sufficient precedent for Motions of the same description. The noble Lord introduced, to prevent the discussion of the measure, a Resolution, to the effect that no settlement of the tithe question in Ireland could be satisfactory or final that did not apply the surplus revenue of the Church to the object of public education. That Resolution answered its purpose; the Government of Sir Robert Peel properly and justly assumed that the vote of the House of Commons on that Resolution was equal to a vote of want of confidence. It resigned office; and what was the consequence? It was, that the settlement of a great and important question was for a considerable time postponed, to the serious injury of Ireland; and when a settlement took place, under a Government of which the noble Lord himself was a Member, that very provision, deemed indispensable to a satisfactory settlement, was omitted, and merged in oblivion. The next period to which I shall call your Lordships' attention was when Sir Robert Peel quitted office in 1846. I need not remind your Lordships of the circumstances of that eventful year. Sir Robert Peel had broken up the Conservative party, and excited its resentment by the adoption of the measure sanctioning the repeal of the Corn Laws. It is unnecessary to go into the discussion of that question. The course Sir Robert Peel took was warmly praised and applauded by the Liberal party; but that applause and that praise did not prevent the noble Lord from taking the opportunity, on the very day on which the Bill was read a third time in your Lordships' House, of carrying a hostile Motion against the Government of Sir Robert Peel, which led to his resignation of office. Looking back to the conduct of the Conservative party on that occasion, I am compelled to say that, in my opinion, they obeyed rather the dictates of resentment—though not an unnatural resentment—than those of sound policy. I do not think they were justified, whatever their feelings might be, in joining in a vote which deprived the Government of the power of maintaining tranquillity in Ireland, in the manner which the Government deemed indispensable to the public service. In consequence of that vote Sir Robert Peel resigned office, and the noble Lord the Member for the City of London succeeded to the head of the Administration, adopting the principles and the measures of the Minister whom he had succeeded. My Lords, that Minister, with signal generosity, extended the shield of his protection over his previous opponents during the four years that followed his resignation, By the aid of that portion of the Conservative party which adhered to Sir Robert Peel, that Government was maintained in power till the close of the year 1850. Sir Robert Peel died, as your Lordships are aware, in the year 1850, and at the commencement of 1851, by no attack from others, but from their own intrinsic weakness, the Government of the noble Lord the Member for the City of London was reduced to such an extremity that they felt themselves compelled to tender their resignation to Her Majesty. That was owing, singularly enough, to a vote on which the Government opposed, or pretended to oppose, a Motion brought forward by Mr. Locke King for the reduction of the county franchise to £10, and in opposition to which they succeeded in bringing, by all their efforts, the large number of forty-eight persons to oppose a majority of 100. The Government having upon that occasion, as I have stated, fallen to the ground, it was necessary for Her Majesty to construct another. I see at the table a noble Marquess, to whom I believe, upon that occasion, Her Majesty appealed for advice. I see a noble Earl on the other side whose advice and assistance Her Majesty also requested, and Her Majesty at the same time did me the honour of making to me a proposal to undertake the responsibility of forming a Government. None of those noble Lords, nor I myself, were in a position to undertake so serious a responsibility as the formation of a Government in the then existing state of parties, and accordingly the Government of 1851, without change or modification, was again placed upon its legs. That Government then continued until the commencement of 1852, but in the interval there had arisen dissensions in the Cabinet, upon what ground I, of course, cannot pretend to say, between the noble Lord the Member for the City of London and the noble Viscount the Member for Tiverton, and the result of those differences of opinion was, that in the month of December the noble Viscount quitted the office which he held in the Government of the noble Lord. [A noble LORD: Was turned out of office.] But if the noble Viscount at that time quitted office, or, as has been suggested behind me, was turned out of office, it was not long before retaliation followed; for, in February, 1852, upon the Motion of the noble Viscount, the whole of his previous colleagues were placed in a minority, and they were compelled again to resign office. My Lords upon that occasion I was again appealed to by Her Majesty, and, looking at the serious nature of the difficulties which Her Majesty had to encounter in forming a Government, I consented, very reluctantly, to accept the responsibility that was cast upon me. I need not say that that Administration was not of very long duration. It commenced in the month of February, and terminated in the month of December. When that Government was overthrown, the noble Earl whom I see opposite was called upon by Her Majesty to form an Administration upon a basis up to that time strange to the constitution of this country. I recollect that the noble Earl upon that occasion expressed his opinion that the country was so entirely sick of and disgusted with the differences and struggles of parties, that he could safely construct an Administration composed of Members of all differences of opinion, and of all gradations of opinion; and that such an Administration would carry on satisfactorily the Government of the country. That Administration contained among its Members men of all shades of opinion—even from those who, like the noble Earl opposite, were but newly baptized into the doctrines of Liberalism, to those who were Radicals of the deepest dye. I use that expression in no offensive sense; but it cannot be denied that of that Administration the late Sir William Molesworth was a Member. Nor can it be denied that he belonged to what was then called the extreme Radical party. Well, my Lords, the noble Lord the Member for the City of London accepted the office of Foreign Secretary, but shortly afterwards the noble Lord, finding, I suppose, that the duties of that office were incompatible with the labours attaching to the leadership of the House of Commons, resigned that office, and, I think, for the space of a year, or a year and a half, or something more, he remained in the Cabinet without office, and, I believe, without salary. At that time, to use an expression of the noble Earl opposite, we were just beginning to drift into that war which led to such calamities, but at the same time, to such glory to those who were engaged in it. The attention of Parliament was altogether directed from the commencement of that war—and I am quite sure the noble Lord opposite will admit that it was directed without any hostile feeling, or without any manifestation of a desire to embarrass the Government—to the prosecution of that war, and to the promotion of the external interests of the country. But in the month of June, 1854, the noble Lord again changed his office. He then accepted office of President of the Council. Your Lordships will not have forgotten that towards the close of the year 1854 there was a threat of a Motion to directly impeach the conduct of Her Majesty's Government with regard to the war, and of a measure to inflict upon them the strongest condemnation. That measure did not originate from their Conservative opponents. It originated in the heart of the Liberal ranks. With no little dissatisfaction, I think, to the Government, and to the astonishment of the public, a few days before that Motion was brought under discussion in the House of Commons, the noble Lord the Member for the City of London said, it was impossible for him to defend the proceedings or the measures of his colleagues, and, retiring before the storm which had been excited, he left them to fight their own battles with their own Liberal supporters. That step of the noble Lord and the Motion subsequently brought forward by Mr. Roebuck for the appointment of a Committee of Inquiry into the conduct of the Government in that respect led to the resignation of the Government of the noble Earl. That was in 1855. Again, Her Majesty did me the honour of asking me whether I would then undertake to conduct the business of the country. I thought upon that occasion, that with the co-operation of some noble Lords and of some right hon. Gentlemen I might be enabled to discharge that task, however imperfectly. That co-operation was refused me, and I have no right to complain that it was so. Greatly, as I think, to his credit, the noble Viscount the Member for Tiverton, with signal courage accepted the arduous task imposed upon him. He undertook the Administration of the Government at a most critical period. Within a very short time after the noble Viscount accepted office—I think within a very few weeks—there was another change of Government. He was left by three, I think, of his most distinguished colleagues, who could not agree with him in the propriety of permitting an inquiry to go on into the conduct of the war, and upon their retirement the noble Viscount again called upon the noble Lord the Member for the City of London, to undertake the duties of the Colonial Department. While the noble Lord held the seals of that department he undertook also a mission in a diplomatic capacity to Vienna. My Lords, the noble Lord was not very successful in his diplomatic career. So considerable was the dissatisfaction which that career produced in the minds of his colleagues upon his return, that I believe there is no doubt the noble Lord was requested to resign office. His resignation again caused considerable inconvenience to the Cabinet. The noble Lord, I think, since that period has never been a Member of any Government. But far be it from me to say that he is less active. In the year 1857 the noble Lord took a prominent part in the House of Commons—a part which I cannot by any means condemn, because I took a similar part in your Lordships' House in bringing forward in terms of condemnation the proceedings upon the coast of China. That, as your Lordships know, led to another Ministerial crisis. It led to a dissolution of Parliament and to the calling of a new Parliament—to the signal success of the noble Viscount, the Member for Tiverton. Now, my Lords, that Parliament—which is this Parliament—was summoned under considerable excitement. It was summoned in consequence of an appeal to the pasions and sympathies of the country in favour of the noble Viscount individually, as one who upheld the insulted honour of the country against combinations and cabals, I know not what else. He claimed the support of all those, whatever their political opinions might be, who desired to maintain the honour and dignity of the flag of England. The noble Viscount enjoyed another signal advantage in calling that Parliament together, and I well recollect saying at the time that, although there might be great success attending that election, that success was insecure, and that majority was a majority not to be depended upon, because it consisted of persons who supported the noble Viscount from the most opposite causes; some believing him to be the soundest and stanchest of Conservatives, and others believing, and naturally so, as he had accepted the leadership of the Liberal party, that he alone was the head of the Liberal party. My Lords, it is not too much to say that the Parliament of 1857 set up the noble Viscount as a political idol. He returned to Parliament with an overwhelming majority; but, as I said before, a majority founded upon no principles, and the continuance of which, consequently, was not to be calculated upon. Accordingly not a year elapsed from the time that Parliament was assembled before it broke the idol which it had set up, and again among the principal executioners was his noble Friend the Member for the City of London. I am coming now to the close of this long statement, for which I have to apologise to your Lordships, but I wish to show you what is most seriously important, and what may well call for reflection on the part of all those who love the British Constitution, what is infinitely more important than the success of this or that particular measure — infinitely more important than the overthrow or the rise of this or that Ministry—I want to point out the danger to our Parliamentary system arising from these constant changes and fluctuations year by year—not a single year passing without its Ministerial crisis, hardly a year passing without a Ministerial abandonment of office. My Lords, I solemnly declare, if that system is to be persevered in, if that system is permitted by the people of England to be continued, there is an end to all hope of the stability of Governments; there is an end to all chance of Government upon a system — there is serious injury done to the political influence of Parliament at home, and there is a serious depreciation of the weight and influence of England in the affairs of Europe. When in 1858 Her Majesty graciously called upon me to undertake the duties of the office which I have now the honour to hold, as I have already stated to your Lordships on a former occasion, I placed before Her Majesty unreservedly our position in the House of Commons; I pointed out to Her Majesty that at that time I could reckon upon the support of little more than one-third of the House of Commons, and consequently, that if there were a combination of the remainder of the House against me, and those who acted with me, we should be left in a permanent minority, varying from 120 to 150. I requested—I may say I urged upon Her Majesty to reconsider the command which she had placed upon me, and I ventured to solicit that Her Majesty would consider whether, among the other leaders of the House, and among the various parties in the House, there were not some to be found who could conduct the affairs of the country with a greater certainty of being able to command the confidence of the House of Commons than I could for a single moment pretend to. Her Majesty graciously took the time for which I had asked to consider, and on the following day—and not until the following day—Her Majesty informed me, upon full consideration, that it was her wish and desire that I should undertake the responsibilities of the office which I now hold. So urged, my Lords, and seeing the difficulty in which the Crown was placed, and the inconvenience to which Parliament was exposed by these frequent changes, I felt it to be my duty not to shrink from the responsibility or the labours which Her Majesty sought to impose on me. I undertook office, knowing that I was in a minority in the House of Commons; I undertook it in the firm desire faithfully and diligently to discharge those duties which were placed on my shoulders; I undertook it in the hope that, by a steady adherence to business, by attending to the interests of the country, by seeking not to embitter but rather to conciliate party differences, by endeavouring to maintain the honour of the country abroad and to promote its prosperity at home, I might so far conciliate an adverse majority of the House of Commons that they would allow me without obstruction to carry on the business of the country until, at all events, it could be made clear that there was some one large, definite party, able to carry out their own policy, ready to replace me, and likely to enjoy the confidence of the two Houses of Parliament, as well as of the country. I hope I may say, that during the twelve months in which I and my colleagues have held office, we have not neglected the duties belonging to our respective positions. I hope that we have not neglected the interests of this country at home; I am sure that we have laboured to maintain and uphold its honour abroad. And I firmly believe at this moment—I have no wish to speak boastfully of ourselves, or disparagingly of others—but I do firmly believe, that if the peace of Europe is yet to be maintained, it will have been owing to the unceasing efforts and untiring vigilance of my noble Friend the Secretary of State for Foreign Affairs, and to the attitude which, under his guidance and at his suggestion, Parliament and the country have assumed with regard to the political objects now in question. I should be unjust, however, to the noble Lords who sit opposite—and more especially unjust to the noble Earl lately at the head of the Foreign Office—if I did not admit that with regard to all foreign business, and, indeed, with regard to the transactions of all business generally, we have met from them nothing but courtesy and fair play. The noble Earl especially has been studiously anxious in relation to the Foreign department, the difficulties of which he well knows, not to embarrass Her Majesty's Government by the interposition of any untimely questions or the introduction of any unseemly discussions. I may also say that, after one attempt, made very shortly after the Government succeeded to office, and which—though at one time it had a most formidable appearance, considering the host that were mustered against us—yet before the wish of the country and the power and force of reason melted away like a snowball in the sun, so that they not only did not bring their threatened resolution of condemnation to a vote, but begged to be permitted to withdraw it: after that event we had no reason to complain of the interference of the House of Commons with the management of the affairs of the country. There were, however, remaining from our predecessors two or three questions of very considerable difficulty, which had baffled the skill and power of preceding Governments, which were left to us as a species of *damnosa hæreditas* with which, if we should find ourselves able, it would be our duty to grapple. Of those questions, perhaps the most important—certainly the one which had been the most frequently before the public and which had been assumed to be the favourite project of the Governments which had preceded us—was the question of Parliamentary Reform. It was not only the noble Lord the Member for London, who in the discharge of his duty had thought it necessary from time to time to bring that question under the notice of Parliament, but two successive Governments—that of the noble Earl opposite and the noble Viscount the Member for Tiverton — had pledged themselves, and had pledged their Sovereign, by the speech from the throne, to introduce a measure of Parliamentary Reform. Nay, more, my Lords; the noble Lord the Member for the City of London had upon two occasions, in 1852 and in 1854, embodied his propositions and his scheme in two different Bills; and your Lordships, I am sure, will all recollect that very pathetic scene when, almost with tears in his eyes, the noble Lord in 1854, was compelled, under the pressure of the foreign war, to abandon his favourite project of Reform. Now I say, in passing, that though the war in 1854 formed a very convenient apology for not proceeding with the measure which a Member of the Government was very anxious to undertake, it has been whispered—it was whispered at the time, and it has been repeated with somewhat more confidence since, and I believe I may say that it is hardly a secret, that there was another and more formidable obstacle to proceeding with that measure of Parliamentary Reform, and that between the noble Lord and the noble Viscount there was on the subject of that measure so insuperable a difference of opinion, that although the noble Viscount consented to remain a Member of the Government till the Bill was read a second time, it was well known that there were provisions in that Bill to which he had signified his intention never to assent, and that if that measure had been proceeded with in 1854 it would have broken up the Government of the noble Lord. Again, in 1857, engagements were taken by the Minister of the day, in the name of the Sovereign, that that measure of Parliamentary Reform should be dealt with in the ensuing Session. I cannot but say, that in giving those pledges I think that the Governments of both those noble Lords exercised their power very imprudently and unwisely. I think that it is not consistent with the respect due to the Sovereign—that it is not consistent with the respect due to Parliament, that measures should be announced in the speech from the Throne with regard to which I will not only say that no Bill had been prepared, but with regard to which I will further say that no progress had been made towards the formation of a Bill, and that I believe no serious intention existed of ever bringing one forward. In succeeding, therefore, to the inheritance of that long-deferred legacy, I considered it my duty to undertake—not indeed the introduction of a measure, but in concurrence with my colleagues, carefully and deliberately to consider the whole question, and to ascertain whether it might be possible, consistently with our political opinions, to introduce such a measure as should not run counter to those opinions and principles, and which yet should have a chance of obtaining the sanction and assent of Parliament. I was encouraged to believe that we might, in bringing forward such a measure, look for a fair amount of countenance and support, because while it was in progress we were assured from time to time how desirable it was that no further delay should occur in the settlement of the question. We were constantly told how important it was that we should not go too far, that our measure could not be too moderate, that it could not be too small that it could not be too far removed from those dangerous doctrines and extensive principles of Reform which were advocated by persons who, though they belonged to the Liberal party, yet had no sympathy with the great Whig leaders. We undertook the question, and we prepared a Bill, and as soon as the Liberal party were free from the responsibility of carrying a measure, there was no end to the anxiety and the pressure on their part that not a single day should be lost in submitting a measure to Parliament. But what took place in the mean time? The Member for the City of London had made no secret—he had spoken openly, and before numbers, of his confidence, that whenever the Conservative party should bring forward a Reform Bill that would be the moment for the Liberal party to overthrow them, whatever might be the character of the measure. Distinguished Members of the previous Government made speeches, in which they said that any Ministry which undertook to bring in a Reform Bill would incur a serious responsibility — that they must be prepared to satisfy the country that any Reform was wanted; and, moreover, a right honourable Baronet, a leading Member of the last Administration, intimated his opinion that the Government were in a dilemma with regard to the measure of Reform, from which they would find it impossible to extricate themselves, because, either they must propose to reduce the county franchise to £10, or else they would find themselves in a minority in the House of Commons, which would never be satisfied with a smaller reduction. But, since we have brought forward a Bill reducing the county franchise to £10, we have been told by the very same Gentleman that if we had been contented with a £20 franchise, we should have had no difficulty in passing our Bill; and we have heard that language from those who were Members of the Governments which had upon two successive occasions proposed a £10 franchise, and who had themselves supported Mr. Locke King's Motion. The noble Lord the Member for the City, in particular, had given as his reason for supporting that Motion that he saw no reason why the inhabitant of a county should not vote on as low a franchise as the inhabitant of a town, and on that ground he voted for a Bill to reduce the county franchise to the same level as the franchise in boroughs. And now we are told that the signal defect in our Bill, that which shows our recklessness and blindness, is the bringing down of the county franchise to the same amount as the borough franchise, and refusing to lower the borough franchise below the county franchise. This is not the proper occasion to vindicate the provisions of our Bill; if it were, I should be prepared to discuss them calmly and deliberately, and to offer such grounds for their adoption as, though they might not persuade your Lordships to adopt them, would at least show that they were not proposed without due consideration. What I wish, however, to impress upon your Lordships is, that in that Bill we dealt with the question in such a manner as largely to add to the numbers of the constituent body of the country, to give the suffrage to a much larger number of persons than had ever previously enjoyed it, and to a larger number than would have been entitled to it under either of the Bills introduced by the noble Lord the Member for the City. In drawing up our Bill we had the advantage of the great experience of the noble Lord, and we had the double advantage of being fortified by his authority, whatever course we might have adopted in the provisions of our Bill, for there was no one single point on which the two Bills of 1852 and 1854 were not diametrically opposed to each other. The Bill of 1852 proposed a £20 county franchise; the Bill of 1854 proposed a £10 franchise; the Bill of 1852 proposed a £5 borough franchise, with one year's residence; the Bill of 1854 proposed a £6 rating franchise, with two and a-half years' residence, and payment of rates during the whole of that period. The Bill of 1852 proceeded upon the principle of not disfranchising a single borough; the Bill of 1854 disfranchised sixty-three boroughs. The Bill of 1852 enfranchised two new towns; the Bill of 1854 did not enfranchise new constituencies, except to a limited extent, but distributed among constituencies already represented additional Members, of whom forty-seven were allotted to counties, I think, and sixteen or seventeen to boroughs. Therefore we might have fortified ourselves by the authority of the noble Lord, whether he had adopted the principle of disfranchising or not disfranchising—whether we had grouped boroughs or not—whether we had lowered the franchise in counties to £20 or £10, or whether we had adopted the £5 or £6 franchise in boroughs, with the period of residences mentioned. We were not ashamed of availing ourselves of the noble Lord's great experience and knowledge. We carefully considered the separate provisions of his two Bills, and where we found valuable provisions, no fear of being accused of plagiarism deterred us from making use of them. In taking that course we certainly had a right to calculate on a fair and impartial consideration of the measure which we laid before Parliament. In the speech from the Throne Her Majesty bespoke for that measure, and in their answers to that speech both Houses undertook to give to it, that calm and impartial consideration which was proportionate to the magnitude of the interests involved. But I think I may appeal to your Lordships whether in the House of Commons the course pursued was consistent with that fair requirement, or with the assurance given by Parliament. I would not have complained, nor would my colleagues have complained if, after the Bill had been introduced in a speech of singular clearness and ability by my right hon. Friend the Chancellor of the Exchequer, and if after, at the request of hon. Members opposite, the desired period for consideration of its details had been allowed, those opposed to the Government had taken objection to the principle of the Bill, and had rejected it upon the second reading as unworthy of their acceptance, or even if they had sought to modify its details in Committee. For myself and my colleagues I may say that, in introducing that measure, we did not seek to gratify this or that party—we did not seek to serve party or political interests—we did not seek to excite in its favour that factitious enthusiasm which it might have raised had we made it a one-sided party measure; but we sought to lay such a measure before Parliament as might command the reasonable approbation of moderate and thinking men, and might be accepted as the solution of a very important and difficult question. Had that Bill been permitted to take the usual Parliamentary course, had it been allowed to go into Committee, we should have been prepared to vindicate there its provisions; but if on any of them the decision of the House had been adverse to our views, we should have considered ourselves perfectly at liberty to consider calmly whether that decision was so much at variance with the principle of the Bill as to make it inadmissible; and if we had found that the alteration made did not seriously interfere with the principle of the Bill, no amount of false pride would have deterred us from accepting it. But that was not the course pursued. It was felt that this was a just, fair, and, on the whole, a reasonable measure. It was felt with alarm, by those who thought they had the monopoly of reform in their hands, that this was a measure which would commend itself in the main to the deliberate consideration of the country; and they determined—and I cannot but complain of that determination, and the mode in which it was carried out—that a deliberate consideration it should not receive, and that the discussion of it should be anticipated by a Resolution which was only not unprecedented because the noble Lord the Member for the City of London had himself furnished a precedent for it. A very high authority in your Lordships' House, and a very high authority elsewhere, derived from a long experience of public business, have expressed themselves in terms of very great doubt as to whether that Motion was admissible or not. The highest authority in the other House ruled it otherwise, and of course I have nothing to complain of on that point; but, to say the least of it, the Motion was one calculated to prevent the House of Commons, Parliament, and the country, from judging fairly and fully of the merits of the measure. I can conceive no course more dangerous, more prejudicial to the conduct of affairs in Parliament, than, when a measure of this importance is proposed, to seek to pass by anticipation a sweeping censure upon portions of it which it was perfectly competent to discuss subsequently in Committee, and thereby to prejudice the House, and prevent its opinion being known to the country. If this measure had gone on—even suppose it had never passed—we should have had an expression of opinion from the House on its various provisions; we should have known the mind of Parliament, and we should have been able to compare it with the opinions of the people out of doors. But we stand in this position now—after seven nights' debate, not on the Bill, but on the Amendment of the noble Lord, we are left in entire ignorance as to what those who oppose the Bill would substitute in place of it. It is not to be believed that it was proposed undesignedly or without purpose, and for the purpose it was a very wise Resolution, because it evaded a fair discussion and introduced prejudice against the provisions of the Bill. It was with no slight touch of irony that the noble Lord, the Member for Tiverton, if I am rightly informed, told his noble Friend, the Member for the City of London, who communicated to him his intended Resolution, that it was an excellent Resolution, and admirably adapted for the purpose for which it was intended. But what was that purpose? The purpose was, and it was all but avowed, to destroy the Bill, and to destroy the Government who introduced the Bill, before they had the power of explaining, debating, or discussing the measure. It was a wise Resolution, and very well adapted for the purpose for which it was intended. In that indefinite Amendment the Government had no means of judging, and no intimation was thrown out, of the extent to which it was wished the borough franchise should be reduced. Wisely and very cautiously was it so framed, because the very moment that any substantive proposition had been made for the substitution of some other sum for the £10 borough franchise, that moment all the slumbering discord prevailing through the whole bulk of what is called the Liberal party would have been brought to light, and would have shown that, although agreed on the condemnation of the Government scheme, there was no possible variety of opinion not represented by some section, and that, with regard to the substitution of any specific proposition for that of the Government, if called upon to do it, it was absolutely impossible they could succeed in carrying it out or veiling the hollowness, the discord, or the want of coherence between those who upon the whole were invited and induced to accede to a vague and indefinite Resolution. I say that the course pursued was not in accordance with the pledge given to the Crown in the Address; it was not consistent with usual Parliamentary practice; it was not consistent with true patriotism, or a sincere desire to settle a question which it was known had produced, and must produce by postponement, considerable excitement and greater difficulty in the way of its settlement. An opportunity was presented to Parliament honourably and creditably to settle this great question. They have preferred the interests of party to the interests of the country, and without for a single moment calculating how the Government could be replaced; some with a purpose, some unwittingly, some through ignorance, consented to a Resolution, the certain effect of which was the overthrow of the Government and the destruction of the Bill. With regard to the borough franchise, the noble Lord the Member for London was asked what amount he proposed, and he said cavalierly that he was not called on to say. But think, with due deference to that noble Lord, the question was most material to the consideration of the Resolution, because, had the question been between £10 and £8,—I say, for example, had the question been between £10 and £8, it might not have been very difficult to come to an agreement. It was also very desirable to know whether the opinion of the House of Commons, which was averse to £10, was equally averse to £8, to £6, to £5, to household suffrage, to manhood suffrage, or whether, in point of fact, any scale was regarded as one upon which a decision could be formed and a measure introduced upon an intelligible principle to secure the assent of the House of Commons. But even with regard to the effect of the measure there was a difference of opinion among those who supported the Amendment. Some of them declared, like the noble Lord the Member for the City, that they were anxious to defeat altogether a noxious and dangerous measure. It might have occurred to the noble Lord that, if it were so noxious and dangerous a measure, there was a fair and legitimate opportunity of defeating it upon the second reading. The noble Lord shrank from that ordeal, because he believed that if it were permitted to go to that stage it would be infallibly carried, and the measure left for fair consideration in Committee. Others said they voted for the Amendment because they concurred in the principles which it enunciated, but they did not intend to vote against the second reading. They intended first to vote for the Resolution, and then to vote for the second reading of the Bill. It was in vain that my right hon. Colleagues over and over again assured those Gentlemen that they grossly deceived themselves if they imagined for a single moment that it was possible for their expectations to be realized—that the Amendment proposed by the noble Lord would be accepted by the Government, as it was intended by the noble Lord, as fatal to the measure, or fatal to the existence of the Government. However, among those who entertained a different opinion, or professed a different opinion—and it is at once a sample of the perfect unanimity and good understanding among the leaders in the Liberal camp—among those who professed most solemnly no intention to destroy the Bill, and on the contrary, desired to see it carried with amendments—among those who entirely differed as to many objections of the noble Lord the Member for the City of London, one who prominently put forward that doctrine was the noble Viscount lately at the head of the Government, and now by courtesy and nominally, I believe, leader of the Opposition in the House of Commons. But in noticing the observations of that noble Viscount I must refer to that which I alluded in an earlier portion of this address—I must refer to that advice which he considered consistent with his position to offer, and consistent with our honour to listen to—namely, that we should be permitted neither to retire, nor to dissolve, nor to withdraw the Bill, but that we should be condemned to keep our places, and in those places to do the bidding—my Lords, the noble Viscount's expression was, "to do our bidding." I should like to know to whose bidding it was intended we should defer. Was it the bidding of the noble Viscount, who prefers a £20 to a £10 county franchise, and has only very lately, as he ingenuously confessed, become a convert to a reduction below £10 in the borough franchise? Or was it the bidding of the noble Lord the Member for the City of London? Or was it at the bidding of the right hon. Baronet the Member for Carlisle (Sir James Graham), who with the noble Lord concerted and concocted this precious Amendment, and who intimated that in his opinion the proper franchise to introduce, and short of which it was not to be hoped that the country would be satisfied, was the borough municipal franchise, with no very great or decided aversion to the introduction, if need be, of voting by ballot? I think I may refer to the noble Earl who sits opposite, whether the reduction of the Parliamentary franchise to that of the municipal franchise would be a great improvement on the present system, judging by the evidence which is given day by day before the Select Committee, the appointment of which he moved. For my own part, I am perfectly satisfied that the introduction of the municipal franchise would throw the whole representation of those boroughs into the hands of numbers and classes least qualified by intelligence and education to exercise that franchise with judgment and safety. But, my Lords, whose bidding was it that we were to follow? According to the noble Viscount, whose slaves were we to be? Were we to be the servants of the noble Viscount, or the servants of the noble Lord, or the servants of the right hon. Baronet the Member for Carlisle, or the servants of the hon.

Member—I think now, hon. Member for Birmingham? "Our bidding!" If that motley and heterogeneous assembly which calls itself in the House of Commons "the Liberal" party, had been asked to tell us what "our bidding" was, probably not twenty-five men would have agreed as to the injunctions to lay on the submissive and humble slaves, Her Majesty's Ministers. But it is hardly necessary to tell the noble Viscount—it is hardly necessary to say to any one, that as long as we have the honour to serve Her Majesty in the responsible situation of Ministers of the Crown, we will do no one's bidding except the bidding of our Sovereign and the bidding of our own consciences and our own honour. "You shall not retire from office," says the noble Viscount; and how does the noble Viscount intend to prevent our resignation, if we think fit to tender it, and Her Majesty think fit to accept it? He may mean—and I do not dispute the fact —"You cannot resign office, because if you do it is impossible to find a Minister to succeed you. I look round and I see I have no chance. I look at my noble Friend, and not only has he no chance, but his accession is the last thing which would enter into my wishes or hopes. I look to the hon. Member for Birmingham, and I know the Crown will not accept him, Parliament will not accept him, the country will have none of him. He has tried the country, and the country has rejected his wild and extravagant proposals as entirely unworthy to be taken into consideration." I offer an apology to the noble Viscount if I have misunderstood his expression that we cannot resign by supposing he meant we were not to be permitted to resign, instead of that if we did resign we should be speedily reinstated. The noble Viscount went on, and in the heat of argument, in the heat of debate, I presume, used an expression which I certainly should not have expected from one who has had a long acquaintance with the constitutional history of the country. He went on to say Parliament would not permit us to resign, and Parliament would not permit us to dissolve. I should like to know where the noble Viscount has found that doctrine. It has always been held to be the constitutional prerogative of the Crown, when and where it pleased, to dissolve Parliament; and since the memorable year of 1784—which the noble Viscount would have done well to remember, for the attempt was followed by disastrous consequences which recoiled upon the heads of its authors—there has been no attempt to interfere with the prerogative of the Crown to dissolve Parliament when and for what reason it thought fit. I have trespassed at great length upon your Lordships; but I thought it due to myself and my colleagues—I thought it due to the position which my friends and myself hold—I thought it due to the serious subjects that press upon our attention—that I should not disguise the difficulties which surround our present system of Parliamentary Government; that I should not disguise the views, hopes, and expectations upon which we brought forward a Bill for the settlement of this important question; and that I should not also disguise the nature of the opposition we encountered, and the character of the vote by which the House of Commons has not condemned the Bill of the Government, but has prevented the Government from fairly bringing it forward. As I have already stated, when the Vote passed in the other House my colleagues and myself were fully and unanimously of opinion that there were only two alternatives which it was possible for us to select, namely, to take upon ourselves the responsibility of advising Her Majesty to dissolve Parliament so soon as it could be done consistently with the discharge of those duties and the performance of that amount of business which is indispensable before a dissolution can take place, and thereby making an appeal to the deliberate opinion of the country; or, in the second place, to offer Her Majesty our gratitude for past favours, and with a deep sense of Her Majesty's kindness and confidence humbly and dutifully to tender to Her Majesty the resignation of our offices. My Lords, we carefully considered these two alternatives, and I can assure your Lordships that, if we had considered our own ease and comfort—if we had considered anything but the imperative calls of duty—if we had not been prepared to sacrifice our private convenience to the public interest, there was not one of my colleagues who would not, with me, joyfully have accepted the alternative I have pointed out,—who would not have embraced with satisfaction the opportunity of relieving themselves from the cares, labours, and responsibilities of office, and who would not have contentedly withdrawn into the retirement of private life. My Lords, the interests at stake were too great to permit us to consider our private feelings and personal conveniences. There was the critical state of affairs abroad as well as at home, and I will repeat again, I believe that the preservation of the public peace of Europe, if it is still to be maintained, will be seriously endangered by any change in the present composition of Her Majesty's Government. My Lords, I speak this not boastfully as to myself and my colleagues, but I know that there is no country in Europe in which the lovers of peace do not look with serious apprehensions to the overthrow of the present Government and the substitution of a Government presided over either by the noble Viscount the Member for Tiverton or the noble Lord the Member for the City of London. My Lords, we are not insensible to the inconvenience of a dissolution at the present moment, to the delay which it will cause in the conduct of public business, to the various evils which are inseparable from a dissolution of Parliament at this season of the year; but wishing to hold the balance between the two, and believing that it is essential that in the present state of things the country should have an opportunity of pronouncing an opinion, and of applying, at the earliest possible opportunity, a remedy for the present unsatisfactory state of things, we thought it our duty respectfully to tender our advice to Her Majesty that she would be pleased to sanction as early a dissolution of Parliament as shall be compatible with the state of public business; and, if Her Majesty should not be pleased to approve of that suggestion, we humbly and unanimously tendered to Her Majesty the resignation of the offices we held. Her Majesty was graciously pleased, without any hesitation—not being insensible to the inconvenience of either course—but without hesitation, Her Majesty intimated her pleasure that we should continue to hold our offices, and Her Majesty sanctioned an appeal to be made to the judgment and decision of the people. My Lords, to that appeal I look with confidence. But the country will greatly mistake the nature and character of that appeal if it supposes that the question which is submitted to it is, whether this or that measure of Reform should be adopted, and whether this or that clause or provision should be inserted in the Bill. We have redeemed our pledge to propose to Parliament what we thought would have satisfied the reasonable expectations of the House of Commons, and would have shown the conciliatory spirit in which we undertook the question. But, my Lords, after the vote of the House of Commons on this subject, we hold ourselves free from the provisions of that Bill, and freed to reconsider the whole question anew, without prejudice and with due deliberation. The course adopted by the other House on the Motion of the noble Lord the Member for the City of London will have this effect, that no single Member of that House, who may be unconnected with office, will be by his vote pledged to one single provision of that measure. The principles and details of any new Bill will be as open to consideration and deliberation as they were before our measure was submitted to Parliament. I know some of my friends in the House of Commons have been threatened, that if they go to the hustings they must go with this Bill round their necks, and they have been defied in such a case to meet a popular constituency. I say nothing about the hustings, because that is not a place where calm deliberation always prevails, but where passion and clamour often carry the day. But I am satisfied that, where any constituency will calmly and fairly consider the merits and demerits of that measure, they will be of opinion that the Bill we offered was a large, liberal, and useful measure of Reform, and one which, while largely extending the advantages of the franchise and admitting many of the lower classes, yet did not indiscriminately admit such a number as to overbear all other classes, and enable the lower classes to monopolize the representation. The House of Commons, however, has thought fit to prohibit the discussion of that measure. The Amendment of the noble Lord will have the effect of postponing for another year the settlement of the question of Reform. It will have the effect of creating serious inconvenience to the public interests by the interruption of useful and necessary legislative measures, by the check it will give to commercial speculation, by apprehensions of the possible consequences of a change of Ministry, and of danger to the peace of Europe. I know all this; and I know, too, that the vote which the House of Commons has pronounced will not have the effect, in the slightest degree, of establishing any principle of Parliamentary Reform. My Lords, we do not appeal to the country on the subject of Parliamentary Reform, still less do we appeal to the country on the particular provisions of that Bill. We appeal to the country on a much larger and broader question—whether the present state of the House of Commons—split up as it is into hundreds of petty parties, any one of which is unable to conduct the business of the country, but which are able, by combining together, to obstruct any Government that may be formed—shall receive the continued support and countenance of the people of England. We appeal to them as men who have endeavoured faithfully to discharge the duties of our office, who endeavoured to deserve the confidence which the House of Commons has withheld, and the confidence which our Sovereign has been pleased to renew to us; we appeal to them to know whether they will entrust the preparation of a measure of Reform to those who would approach it in a calm and deliberate spirit, and discuss it in a moderate and temperate tone; or whether they would entrust the preparation of such a measure to men who have embarked upon the wild and visionary schemes of the hon. Member for Birmingham, and the hardly less dangerous and visionary propositions of the right hon. Gentleman the Member for Carlisle, the partner of the noble Lord in concocting this Resolution. We appeal to them whether, as lovers of fair dealing and plain and straightforward conduct in public men, they would sanction the overthrow of a Ministry who, in honourably endeavouring to discharge their duty, have fallen, not in pursuance of a difference of opinion brought forward in fair Parliamentary conflict, but who have been overthrown in consequence of the success—the undeserved, but I will not call it the unanticipated success—of what, not to use an offensive expression, I will term an ingenious manœuvre.

Earl GRANVILLE: My Lords, I rise with the reluctance which I always feel in following the able speeches of the noble Earl, and I trust that your Lordships will bear with me while I offer a few observations upon what has fallen from him. The noble Earl commenced his speech a few minutes before I entered the House, but I understand he bore testimony to the spirit of moderation in which this question has been discussed in the House of Commons, in which I most cordially concur with him. That debate has raised the House of Commons very much in the public estimation, and has given great weight to its decision. That noble Earl has praised the House of Commons for the moderate tone in which its discussions have been conducted. I am sorry that there should have been portions n the able speech with which he has himself just favoured us which do not deserve the same eulogium. He commenced by stating the three courses that were open to him and his colleagues after the recent vote of the other House. One of them was to resign; another was to dissolve; and the last was to continue in office and introduce another Bill consonant with the opinion generally expressed by the great bulk of the House of Commons. The last course, with which he dealt first, the noble Earl entirely repudiated. Some thought, however, that such a course might have been adopted, and would not have been altogether inconsistent with the one taken by the noble Earl last year with regard to an equally important measure, and that there would be some advantages in a Conservative Government going on with a Reform Bill when the wishes of the House of Commons were well known,—not indeed because a Conservative Government could bring in a mere sham measure, which a Liberal Government could not do, but because if they sought to satisfy the reasonable expectations of the people there would be, for the reasons pointed out by Mr. Walpole in his letter to the noble Ear which it would perhaps be offensive for me to repeat, a greater chance of their Bill being carried. But when the noble Earl declares that he and his Colleagues think it utterly inconsistent with their honour to follow such a course—I accept that declaration—the question at once falls to the ground; for I am sure no one of your Lordships would press a Government to do that which they deemed incompatible with their honour. The first other alternative open to the noble Earl was resignation, and to his reasons for not adopting that course the greater part of his speech was directed. The noble Earl began with a review of the state of parties; and on this point I much agree with some of his remarks. No doubt the conditions of party are entirely changed since the days of Walpole and Pitt, when enormous majorities could be induced to vote anything at the dictation of the Minister. I am glad that all this is now altered. It is clearly quite incompatible with the present state of public feeling, and in a reformed Parliament, that any Government should on every question, small or great, count on a majority servilely following its beck, or that on any little question of the day in which they might be placed in a minority they should resign. At the same time it is most important that those who are charged with the administration of the affairs of a great country should have that numerical support in the House of Commons which may enable them to have a policy of their own, and to pursue it. The noble Earl dwelt on the want of cohesion in the Liberal party; but I must be permitted to say it is in the nature of a Liberal party to lack cohesion in a greater degree than their Conservative opponents. It is obvious that those whose general principle is to stand upon the ancient ways and not to move except upon great occasions, and under great pressure, are much more likely to be united than those who adopt the general principles of progress and advancement, and who may reasonably be expected to differ very often as to the pace at which they would proceed. And when the noble Earl further objects so strongly to parties being divided into guerilla bands, he must forget the use which he and his friends have sometimes made of those irregular forces. When that noted guerilla chief, Mr. Milner Gibson, on two successive occasions, with the tact and skill for effecting sudden *coups de main* which distinguish such guerilla warriors, made his ingenious manœuvres against the late Government, the noble Earl and his followers eagerly availed themselves of his co-operation for the attainment of their party objects. The noble Earl then went on to deal with the other alternative, and dealing with this part of his subject he indulged for more than twenty minutes in a tone which I regret, and I am sure my feeling was shared by many other noble Lords, and not perhaps wholly confined to this side of the House. Why I was not present at the commencement of the noble Lord's speech was that I waited in "another place" to hear the statement made by the noble Earl's Colleague there. It was very short; it abounded with compliments to everybody, and was conceived in the very best possible taste, and carefully avoided making the slightest attack upon any persons then present. But the noble Earl, on the other hand, thinks it worthy of his high position here to consume half an hour of our time with a very minute biographical memoir of a noble Lord who has done things that entitle him to the respect of the country, and who if he sat in this House would doubtless be prepared to answer his critic. I will not follow the noble Earl through all his details, but, speaking from memory on a subject parts of which are matters of history, I can state that some of the things he has said are not correct in point of fact.

The Earl of DERBY: Which way not correct?

Earl GRANVILLE: The noble Earl in one of the sorest sentences I ever heard objected to receiving advice from a political rival, and I really must be permitted, in performing my own insignificant part in this debate, to take the course which——

The Earl of DERBY: I must appeal to the noble Earl's own sense of justice. He says I have made statements which are not correct in point of fact. Surely I am justified in asking him what those statements are, that the matter may be cleared up.

Earl GRANVILLE: I will mention one. The noble Earl, indulging in a flight of imagination for which I really should not have given him credit, pretended to give us an exact account of what passed between Lord John Russell and his colleagues in 1855, and told us that that noble Lord's colleagues requested him to resign. Now, as one of that noble Lord's colleagues I utterly deny that either directly or indirectly the slightest request of the sort was made to him. I hope the noble Earl is satisfied with that explanation. The noble Earl went on to say that one of the reasons which rendered the resignation of his Government undesirable was the preservation of the peace of Europe; and he paid in passing a high tribute to the sagacity and the industry displayed by the noble Earl near him (the Earl of Malmesbury) in the conduct of our foreign relations. Now, I am not about to make any personal attack upon that noble Earl; but I must say, as an adherent of the political party to which I belong, that I do not admit that there are not men on my own side of this and the other House of Parliament who are equal to the noble Earl in all the qalities necessary for the administration of public affairs; and I take leave to add that, as has been acknowledged by the noble Earl opposite himself, there has not fallen from any one of those men one word of an imprudent or a factious character with respect to foreign politics which could unfit them or in any way impede their exertions for securing the peace of Europe, if they were charged with the duty. The noble Earl has made a statement on this point which is, no doubt, justified in his opinion by the information which he possesses. But what does this House know on this subject We know that at the beginning of the present Session great alarm was felt as to the state of affairs on the Continent. We know that at that time in the discussions in both Houses of Parliament language was held which was gracefully acknowledged by the noble Earl as being calculated to strengthen the hands of the Government in their efforts to preserve peace. For a whole month not a question was asked; and, as far as I or any of my Friends are aware, not a single practical step has been taken by Her Majesty's Ministers in order to put an end to the unsatisfactory state of the relations between France and Austria. We were told, indeed, that Lord Cowley was about to proceed on a pacific mission to Vienna, and some remarks were made on the subject in the other House by those who are generally opposed to Government which not only increased the chances of a successful termination to that mission, but which, as it was acknowledged, were of great use to the noble Earl in the work he had undertaken. Since that time the noble Earl behind me (the Earl of Clarendon), in the most conciliatory tone, put a question relative to the result of Lord Cowley's mission; and the answer given was that that noble Earl had started without any instructions from his own Government. This was subsequently corrected as meaning that he had received "no official instructions." It appears, however, that, through the sagacity and the high reputation of Lord Cowley among European diplomatists, his mission was, as far as he was himself concerned, successful. It appears, however, that the noble Earl has not acted on that arrangement, which, according to the noble Earl, was mainly owing to the suggestions of my noble Friend; for during Lord Cowley's absence from Paris another plan was mooted,—some think it worse, others better; but it was entirely separate and distinct from any proposal of the noble Earl. From the facts patent to us all, therefore, whatever may be the sources of information possessed by the Government, it would not appear to be self-evident that the peace of Europe would be endangered if anything happened to the present Administration. The noble Earl then came to the question of Reform; and here also he favoured us with a sketch of facts about which, without the least want of respect, I must say he could not be accurately informed, for it turns out that his statement is perfectly wrong. Among other statements, the noble Earl said that the Government of Lord Palmerston had made no preparation for bringing in a Reform Bill; that they had no intention of bringing such a measure forward, and that they had abandoned the subject *sine die.* Now, I can assert that the question of Reform was considered by a full Committee of Lord Palmerston's Cabinet, that the Committee reported upon it, and that the Report was submitted to the whole Cabinet, and, though no Bill was brought in, and some points remained still unsettled, yet the real postponement of the measure was the consequence of the Resolution of the House of Commons that the Government of India Bill should take precedence. Therefore, in this part of his speech the noble Earl has volunteered statements of facts, of the accuracy of which he could not know, and which turn out to be altogether unfounded. The noble Earl likewise alluded to conversations on the part of Lord John Russell. I have never heard Lord John Russell hold the language attributed to him by the noble Earl — others may have done so; but whether or not, I must say that it is not worthy the noble Earl thus to address to this House and the country at large these little odds and ends of conversations picked up, sometimes perhaps correct, and sometimes incorrect, in reference to persons of character in public life. With regard to the Reform Bill introduced by the Government I will follow the noble Earl's example, and not trouble your Lordships by going through it in detail. It would be unfit and most unbecoming to raise in this House a debate on the subject which has been scarcely exhausted during seven nights' debate in the House of Commons. But this is sufficient for me, that the Bill was proposed to Parliament after having been condemned by two of the most distinguished colleagues of the noble Earl; and that it has been rejected by the House of Commons. ["No, no!"] No? why the Resolution that marked with blame the two principles of the Bill was agreed to by a large majority; and, more than that, in the large minority that voted against the Resolution, I cannot bring to my mind any person not belonging to the Government who had spoken in approval of the measure. And now it is condemned still more emphatically—it is utterly abandoned by the noble Earl himself. He begs the country to understand that the Government does not in the slighest degree pledge itself to this Bill, but that it may take any course it pleases on the subject of the representation of the people. I say the Bill is abandoned; and I think this is some answer to the charges the noble Earl has brought against those who supported the Resolution in the other House of Parliament. When he says those who voted for the Resolution voted inconsistently, unreasonably, and unpatriotically, he should remember that he tempted a hostile majority by a measure that was universally condemned, and he has no right to speak in such strong language of the fair Parliamentary and constitutional conduct that majority pursued. Such are the reasons the noble Earl gave for not resigning. He then proceeded to attack with great vigour certain advice which had been given to the Government by Lord Palmerston on the subject. Before that period I am sure that, as the noble Earl has said, in the course the Government had taken they had not been influenced by any single speech, or the raillery of which the noble Earl complained, and of which he was himself so great a master, and sometimes a very liberal dispenser, to depart from the course they might think it their duty to take—and I am glad to find that that was the case. The noble Earl then came to the third alternative—that of a dissolution. There can be no objection to that course. It is a perfectly legitimate and constitutional course; but it is a course which throws great responsibility on any Government that adopts it at any time, and a course that ought to be carefully weighed before it is resorted to, not only as to all the circumstances attending the dissolution, but the results that are likely to arise both at the hustings and in Parliament. I, however, am not afraid, looking at the spirit of moderation which characterizes the people of England, of an appeal made to them on a subject which is most interesting to them all, and I am free to admit that the course the Government has resolved upon is a very honourable and constitutional course. But what I wish to know a little about is the exact issue upon which the country is appealed to? As to Parliamentary Reform, the noble Earl has cast that into the air, leaving the country to catch it as they can; and in whatever shape it may fall into their hands, in that shape he is prepared to deal with it. The noble Earl shakes his head; that, however, is what I gather of the noble Earl's intention from his speech; and I am the more inclined to think I am right as that is exactly the policy the noble Earl adopted when he appealed to the country on the great question of free trade and protection. It is impossible, then, to gain from him any intimation of his policy, but he leaves it to the constituencies to make a policy for him. ["No, no!"] If I can understand plain English this is the course he intends to pursue now. I think it would have been more satisfactory if the noble Earl when he stated that the Government had abandoned the Bill, and meant to appeal to the country—it would have been more becoming the position of a great Minister and a great Statesman if he had stated exactly the policy upon which that appeal was to be made. I regret that that has not been done, not on account of any party motive, but if there be danger from those persons of extreme democratic opinions, I have for myself no doubt that to go to the country with this announcement of no-policy on the part of the Government upon the subject of Reform—this throwing of the question to the country like a ball to be caught up as it may—is exactly the line of conduct such persons would recommend. I am sorry to have detained your Lordships at such length; but I could not avoid making these observations after hearing statements from the noble Earl which I certainly was not prepared to hear when I entered the House.

RAILWAY TICKETS TRANSFER BILL.

THIRD READING.

Order of the day for the Third Reading read.

LORD **REDESDALE** said, he had been assured by the railway companies that it was most important and necessary to guard against the frauds that were perpetrated on them, in order to enable them to give the public cheap facilities in connection with return and excursion tickets. The railways had a right to ask to be protected against these frauds, and if not, it could not be expected that the public would meet with these facilities.

Moved, That this Bill be now read 3^a

LORD **STANLEY** OF **ALDERLEY** objected to the enormous power it would give to the officials employed by railway companies to take persons into custody and detain them, in order that they might be brought before the magistrates on suspicion of having committed an entirely new offence. That offence was committed when a person who had taken a contract ticket, a return, or excursion ticket, sold it, or gave it away, or otherwise disposed of it to another person. He thought the proper course for the railway officers to adopt in such cases was to obtain a summons against the offender.

LORD REDESDALE said, he hoped this Bill would pass before the dissolution of Parliament, as it was necessary for the protection of railway companies, and the season for excursion trains was now approaching. The Railway Clauses Act designated it as a fraud on the company if any passenger refused to leave the train when he arrived at the place for which his ticket was taken, and thus travelled beyond the distance he had paid for; and it could not be denied that a most deliberate fraud was likewise practised by a person getting a return ticket, distinctly stated not to be transferable, and then transferring it to another person.

Motion *agreed to.*

Bill read 3ª accordingly and *passed.*

House adjourned at Half-past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 4, 1859.

MINUTES]. PUBLIC BILLS.—2ª Debtor and Creditor. 3ª East India Loan; Savings Banks (Ireland) Act Continuance.

COUNTY COURTS.—QUESTION.

MR. HUGHES said, he would beg to ask the Secretary of State for the Home Department whether any steps have been taken to regulate the imprisonment of persons who are now subjected thereto by County Court Judges; and, if not, whether any inconvenience would arise from rescinding that portion of the order for prison discipline which subjects parties to imprisonment in a recusant ward?

MR. SOTHERON ESTCOURT stated, in reply, that no such order was in existence as that to which the hon. Member referred. Soon after the passing of the County Courts Act the Law Officers of the Crown, upon a question being submitted to them, gave it as their decided opinion that such persons as those to whom the hon. Member alluded should be treated as misdemeanants. They had accordingly been so treated, and, although he admitted that great hardship was suffered in many cases, he was not prepared to say that any alteration should be made in the present practice. He would be glad, however, to receive any suggestion which the hon. Member might have to make on the subject.

THE FOREIGN SECRETARY—STAMPS ON PATENTS OF APPOINTMENTS.

QUESTION.

MR. W. WILLIAMS said, he rose to ask Mr. Chancellor of the Exchequer whether the statement is true which has been publicly made, that the Earl of Malmesbury has, up to the date of this Notice, refused to pay the £200 Stamp Duty required by the Act 55 *Geo.* III. c. 184, to be paid on the Patent of appointment to the office of Secretary of State; and whether, in consequence of such refusal, the Patent of appointment of the Earl of Clarendon to the office of Foreign Secretary does not now exist unrevoked.

THE CHANCELLOR OF THE EXCHEQUER said, he believed there was a point of law involved in the question of the hon. Member. His noble Friend the Foreign Secretary had consented to pay the fees in question provided he could be satisfied that they had been paid by those who preceded him. The appointment did not depend upon the Patent, but upon receiving the Seals from Her Majesty, and therefore no question could arise upon the point mooted by the hon. Member. As it was his interest that as many payments should be made into the Exchequer as possible, he had submitted the question to his hon. and learned Friend the Attorney General, and now awaited his report on the subject. If the opinion of the Attorney General was that these fees should be paid, he would certainly lose no time in claiming them, not merely from his noble Friend.

THE RIVER BANN.—QUESTION.

MR. GREER said, he would beg to ask Mr. Chancellor of the Exchequer whether the Lords Commissioners of Her Majesty's Treasury are disposed to permit the repayment of the sums due by certain Irish Counties for the improvement of the navigation of the Lower Bann to be spread over ten years, or some longer term than five years, the period now prescribed for that purpose?

SIR STAFFORD NORTHCOTE replied, that memorials from the Grand Juries of some of the Counties referred to, praying that the payments should be spread over a longer term than five years, had been received at the Treasury, and remitted to the Irish Board of Works for their report. The Treasury, he apprehended, had no power to grant any extension of time without vitiating the whole of the transaction.

MINISTERIAL STATEMENT.—THE VOTE OF THURSDAY NIGHT.

The CHANCELLOR of the EXCHEQUER: Mr. Speaker, I shall commence the few observations which I have to make by moving the adjournment of the House, in order that any hon. Gentleman who may wish to remark upon my statement may have an opportunity of doing so. I took the liberty on Thursday night, after the vote which the House had arrived at upon the Motion for the second reading of the Reform Bill, to move the adjournment of the House until this day, because I thought it but respectful to the House that in the course which the Government might think fit to adopt in consequence of that vote there should not appear to be even the semblance of precipitancy. After that vote—after the observations made by myself towards the close of that debate—and after the declarations made by several Members of the Government, the House, I am sure, will not be surprised when I announce that it is not the intention of the Government to proceed with that Bill for amending the Representation of the People which I introduced exactly five weeks ago. It is also due to the House to state that it is not the intention of Her Majesty's Government to propose any other measure with the same object. On their part, however, I protest against the doctrine, which seems to be held by some, that the question of Parliamentary Reform is to be the appanage of any individual or the privilege of any particular party. I cannot hold that a body of public men professing the opinions which Her Majesty's Government do upon general politics—professing Conservative opinions—are not quite free to deal with the question of Parliamentary Reform, or indeed, with any other public question in that manner which they may deem most expedient for the public welfare and most conducive to the public interest. Indeed, I would say—not to provoke any controversy, which on this subject on the present occasion I studiously desire to avoid, but to prevent misconception—the question of Parliamentary Reform is the one of all others which may be viewed in two lights. There is the Conservative view of the question, and there is—not to use the epithet in the least degree offensively—the revolutionary view of the question. That is to say, there is that Conservative view which in any changes it recommends would wish to preserve and maintain the present character of the House of Commons, which is a representation of the various interests and classes of the country; and there is the revolutionary principle, which attempts to change that character, and to make the House of Commons a representation merely of the voice of a numerical majority. But, Sir, reserving to ourselves under all circumstances our right to deal with that question, we feel that at present we have fulfilled our pledge. We have fulfilled our pledge to the House and the country at a great personal and party sacrifice, and we are not prepared to enter into any specific engagement on that subject. The vote at which the House of Commons arrived the other night has rendered it necessary for the Government to consider their position in this House. I am bound to say, because I think it best always to deal frankly with the House, that before the House arrived at that vote the Government had seen fit to consider their position here. Ever since the commencement of the present Session of Parliament the Government has found itself frequently in minorities, and that, too, in many instances on subjects of no mean importance. Our position has been a painful position, and we have had before this to consider whether it was not our duty to make a communication to the House; but we have hitherto refrained from doing so for three reasons. In the first place, notwithstanding the array opposite to us—however numerous might be the force marshalled on those (the Opposition) benches—we could not perceive that there was any principle of cohesion in those ranks or any unity of policy and purpose more evident than when, in consequence of the distracted state of the Liberal party, the Earl of Derby was summoned by Her Majesty to place himself at the head of affairs. Under these circumstances, we felt that we were bound as men of honour not lightly to relinquish a post which we had acceded to in the spirit of the constitution, and which we had knowingly accepted with all those conditions and consequences attaching to it. In the second place, the state of our foreign affairs was very critical. Her Majesty, under our advice, had consented to become the mediator between two great military monarchies, with a view of thereby preventing, if possible, a war occurring in Europe. It was, therefore, highly expedient that there should, if possible, be no change of Ministry, and that Her Majesty's Government should, as far as possible, appear at that moment to have the general confidence of Parliament. There was yet a third reason which induced us to take this course. After the frequent promises and procrastinations which had taken place on the subject of Parliamentary Reform—remembering that for ten years it had been acknowledged in this House that that subject ought to be dealt with—and after the triple recommendation of the Crown, after the triple pledge of this House, after the triple promise of successive Ministries—it did seem to us that it would be a very heavy blow to the character of public men and to Parliament if we, in our turn, seemed to evade the engagement which we had made and the requirements of the country in that respect; and, remembering that the House had pledged itself to give a careful and patient consideration to that subject, we thought that, even if we did not succeed in our general endeavour, it was a good and beneficial thing that an honest and earnest, even if unsuccessful, measure of Reform should be brought forward in this House by us. Influenced by these three powerful considerations we retained our seats upon these benches, under circumstances which, I admit, involved a degree of mortification, and which we bore from a feeling that on the whole we were doing our duty to our Sovereign and the country. But the vote at which the House arrived on Thursday rendered it impossible for us any longer to be quiescent. That was a vote of censure on the Government. It was intended as a vote of censure. [*Cries of* "No, no!"] It was acknowledged as such by the principal promoter, and as such it was accepted by Her Majesty's Ministers, and the House having arrived at that vote, we felt the Government of the Queen was deprived of all authority. I may be permitted for one moment to offer to those hon. Gentlemen who sit on these (the Ministerial) benches the deep expression of our gratitude for the manner in which they supported us during the late struggle. I am perfectly aware that no Minister can bring forward a measure to amend the representation of the people, which from its vast and various character, can meet with the general and entire concurrence of his supporters. I know well that many amongst those with whose confidence we are honoured made no little sacrifices in supporting us on that occasion. But I am sure they did so because, whatever were their opinions on matters of detail, they felt convinced that nothing but a sense of duty, nothing but a belief on our part, that the measure we proposed was advantageous to the country, and was in strict consonance with those Conservative principles which we uphold—nothing but a conviction of that kind on their part would have induced them to give us the generous and never-to-be-forgotten support we received on that occasion. During the debate an eminent Member of this House announced it as his opinion that the rule of party was over in this country. If that observation be true I should deeply regret it, because I have always held the opinion that if party rule is over Parliamentary rule will soon cease. I am quite convinced that in a popular assembly so numerous as the House of Commons there can be no guarantee for its independence and authority but political connection among those who sympathise generally on the same points of public affairs. I do not at all agree with the right hon. Gentleman who gave that opinion during the late debate, and I think I can appeal with some pride to the conduct of the Conservative party on this occasion. I think they showed a high spirit and consciousness of duty as a great political connection, which will be appreciated in the country, and which will redound to the credit of this House. What has occurred to the Government is an event which it would be affectation to say has come upon us altogether unexpectedly. It is, indeed, a result which, more or less, we have contemplated from the moment we accepted office, under the severe and difficult conditions on which we agreed to carry on the conduct of affairs. Last year the blow was averted by the support we received from a large party opposite composed of hon. Gentlemen who sit below the gangway. On this occasion I feel it my duty to tender the thanks of Her Majesty's Government to them for the support which, during last Session, we received at their hands. It was a support given without solicitation—it was a support given without conditions—it was a support given by hon. Gentlemen, who, on all constitutional questions, entertain opinions diametrically opposed to those which we profess, and I believe it was a support given because they appreciated the peculiar position in which the House was placed by the state of parties; and, therefore, I am bound to believe, and I do believe it was a support given from a pure sense of public duty. If I might—having offered the thanks of the Government to those to whom it was due—if I might for a moment refer to something personal to myself, I would offer to the House generally, and especially to all hon. Gentlemen opposite, my thanks for the courtesy and kind feeling with which they have supported me in my attempt to carry on the business of the House. That has happened to me which probably has never before fallen to the lot of any public man. I have been twice called upon to lead this House without the advantage of a numerical majority of supporters. The task of conducting the business of the House is, under no circumstances, a light one. But the burden was necessarily aggravated by the circumstance to which I refer; and I feel that, however imperfectly I may have done my duty, even that imperfect fulfilment could not have been accomplished had it not been for that courtesy and general good feeling which I have experienced on all occasions, not only from friends, but also from those who sit opposite to me in this House. Having touched upon these points, it now becomes my duty to inform the House of the step which Her Majesty's Government have thought it their duty to take. I had to ask myself, first, whether that evidence of want of cohesion on the benches opposite, to which I have already alluded, still existed. I had to ask myself whether there is there that unity of purpose and policy on questions domestic and foreign which were so essentially wanting when we acceded to power, and which was the cause of our acceding to power. I had to ask myself whether there is any evidence of that unity of feeling being restored, and that political cohesion being established. With regard to the late division, a Resolution of censure was certainly carried against Her Majesty's Government. But this was remarkable, that the two most eminent leaders on that occasion of the Opposition indicated that at the moment that Resolution, which almost anybody might have voted for, was carried, they should both of them recommend exactly a contrary policy. The noble Lord the Member for the City of London (Lord J. Russell), declared that the moment that Resolution was carried he should exert his utmost energies to defeat the measure of the Government, as a noxious and pernicious measure; but the noble Viscount the Member for Tiverton (Viscount Palmerston) declared that as soon as that Resolution was carried he should, on the contrary, support the measure of the Government, as a measure containing a great many good things, and as one which, subject to some modifications, it was of the utmost importance should be passed. Even after the division was called a scene took place in this House which certainly showed no great degree of unanimity on the part of hon. Members opposite. An hon. Member (Mr. Wyld) rose and proposed to append to the Resolution of the noble Lord a recommendation to the House that we should sanction vote by Ballot. Although, Sir, every attempt was made to prevent that addition from taking place and that proposition from being made, it is a fact that a division did occur upon the question, notwithstanding the most active modes of repression, and nearly one-third of the majority supported a policy which was certainly not recognized by either of the noble Lords on the other side of the House. Sir, under these circumstances, not seeing that there is on the part of hon. Gentlemen opposite more ability to form an Administration than existed when they found it necessary to retire from these benches last year—seeing that the Opposition consists of a number of sections, which no doubt can at any time combine and overwhelm the Queen's Government, whoever may happen to form it—seeing, from the present state of affairs, that there is no security, but almost a certainty that every February there will be a Ministerial crisis, and perhaps its consequences—and believing that this state of affairs is prejudicial to the repute of Parliament and injurious to the best interests of the country, and believing, too, that it is of the utmost importance at this moment that the authority of the Government should be supported by the authority of Parliament, and not being conscious that during the time we have exercised power we have done anything to forfeit the good opinion of our fellow-countrymen—we have thought it our duty to advise Her Majesty to exercise her prerogative and to dissolve this Parliament. Recurring to the sense of her people, a state of affairs may be brought about which may be more conducive to the public interest. Under these circumstances, Sir, it is my duty to inform the House that so soon as the urgent requirements of the public service are satisfied this Parliament will be prorogued with a view to its immediate dissolution. Sir, there are some Votes which must be taken—there are some Acts which must be continued—there are some measures before us, such as that which concerns the finances of India, which must under all circumstances receive attention. The other measures of the Government I shall not, of course, presume further to advance, unless the House expresses its wish that the Superannuation Bill should pass. I leave that matter entirely to the consideration of the House. I have now stated to the House the course which Her Majesty's Government have thought it their duty to advise, and which indeed Her Majesty has been pleased to sanction and adopt. I have now only on the part of myself and my Colleagues to express our sincere and even solemn hope that, whatever may be the result of this appeal to the country upon our personal position, it will be at least conducive to the convenience of Her Majesty, to the honour of Parliament, and to the best interests of the country.

Motion made and Question proposed, "That this House do now adjourn."

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman, towards the conclusion of his address, tendered to the Members of this House his thanks, and the thanks of his colleagues, for the courtesy which they have received in the performance of their duties, and I am sure I am not doing otherwise than expressing the general feeling of the House when I say that they acknowledge in return the courtesy of bearing with which the right hon. Gentleman has upon all occasions conducted the affairs and performed the duties which belong to his position, and that whatever difference of political opinion may have arisen between any portion of this House and the right hon. Gentleman, as representing Her Majesty's Government, no personal feeling otherwise than can be agreeable to himself has been entertained. We have been informed, Sir, by the right hon. Gentleman that Her Majesty's Government, having understood the vote of last Thursday as a vote of censure, deliberated, in the first place, whether they should or should not retain the offices which they now hold, and that upon consideration they came to the conclusion that it was their duty still to retain them. The right hon. Gentleman stated that the Government while retaining that position felt that the state of parties in this House was such that it was not for the interest of the public service that they should continue to perform their duties with the present House of Commons; but, believing that the people at large entertain a more favourable opinion of them than the majority of this House appear to do, they have advised the Sovereign—and the Sovereign has accepted the advice—that She should recur to the sense of the people by a dissolution of Parliament. Now, Sir, I am not about to taunt Her Majesty's Government with having come to this determination for the purpose of maintaining themselves in power. I was not one of those who considered that the Resolution which was carried by so large a majority of this House was to be understood and accepted as a vote of censure upon the Government. It was not in that sense that I supported the Resolution. I looked upon it as a fair Parliamentary, and I think convenient, mode of expressing the opinion of the House upon two leading features of the measure which the Government had submitted to our consideration, and I voted for that Resolution as an expression of opinion upon the measure of the Government, and not in any way as implying censure of the Government. For it cannot be maintained in these times and in this House that whenever a majority of the House of Commons object to a particular measure, or to a portion of a particular measure, which the Government of the day may propose, they are, by expressing that objection, censuring the Government in such a manner as to render it necessary for the Government to consider whether they should or should not resign their offices. If that doctrine were to be laid down in the present state of Parliament—since the Reform of Parliament in 1832—I maintain that it would be utterly impossible for any Government, unless it were far wiser than any that has yet existed, to carry on for twelve months the administration of affairs in this House. Such was not the doctrine which obtained even before the passing of the Reform Act. There are many instances upon record of measures of great importance having been proposed by the Government of the day which were not acceptable to Parliament, but the Administration did not therefore think they were required to abandon their position as advisers of the Crown. Well, Sir, the right hon. Gentleman has stated the grounds upon which Her Majesty's Government, consisting of men who had up to a certain time been adverse to any change in the laws affecting the representation of the people in Parliament, nevertheless deemed it their duty to bring in a Reform Bill. I think that in doing so they only acted with a proper sense of the duty which they had undertaken to perform. I think, after what had passed with regard to a Reform of Parliament, that they ought not to have undertaken the Government as they did in February last year, unless they were prepared to bring in a measure of Parliamentary Reform. My opinion is that if they had brought in a measure founded upon principles which have appeared in the course of the debate to be in accordance with the general feeling of the majority of the House—a measure in which plainer and more practical views had been embodied—a moderate measure founded upon plain and ordinary principles, it would have passed this House, it would have received the concurrence of the other House, and might have become law. The Government, however, acted otherwise, and proposed a measure which was objected to by a majority of this House. It then became the duty of the Government to consider what course they should take. My own opinion is, that if they deemed it their duty—and with them undoubtedly rested the responsibility of determining that question—to retain their offices after that adverse vote it would have been in conformity with the engagement they had undertaken when they accepted the administration of affairs, and in accordance with the language they placed in the mouth of the Sovereign at the beginning of the Session, either to have withdrawn the Bill and to have brought in another differently framed, or so to have altered the present Bill in Committee as to adapt it to the opinion of the House. I think that was their duty, and I don't consider that to have pursued such a course would have been any disparagement whatever to their personal and political honour. They would have simply done in this instance that which I think they properly did last year with respect to the India Bill. They then brought in a Bill which was the result of their own consideration and decision. That Bill was not acceptable to the House, they then yielded to the opinion of the House, and they brought in another Bill, which ultimately passed. In the same way I think they ought on the present occasion to have submitted to the conditions on which alone a minority in this House can continue in the possession of power—namely, by adapting their views upon questions of great national importance to that which may appear to be the view and the opinion of the majority of the House. The Government, however, have determined to advise the Crown to recur to the sense of the country. Undoubtedly that is advice which it is competent for any Government on its own responsibility to give to the Sovereign. I certainly shall not oppose any obstacle whatever to prevent that advice from being carried out. But this I will say—that I think it very unwise advice. I think that, in the present state of affairs, both at home and abroad, it is very little to the national interest that there should be a dissolution. The Government may say that the question put to the country is, whether it has entire confidence in them, or whether it prefers any other combination of men; but every one understands that the question put to the country upon this dissolution is, what shall be the Reform Bill which the Ministry, if they continue in office, will be compelled by public opinion to bring in, or which any Government succeeding the present must propose to the consideration of Parliament? The question upon every hustings will be the details of the Reform Bill. I won't enlarge upon the public inconvenience which this course is likely to entail; but I would warn those who are the advocates of a moderate measure of Reform that the course which the Government is about to pursue is not the course calculated to further their cause and to procure the passing of such a measure. Hon. Members will return pledged beyond their own intentions; and if I may venture to prophesy the result, so far from the next Parliament being more disposed to support the present Government, I think the House of Commons which will be called together will be far more likely to be of opinion that political power ought to be transferred to other hands than those which at present possess, it. That, however, is for the Government to consider. Again, with regard to the state of affairs abroad, we are told that this country is engaged in negotiations bearing upon the peace of Europe. Questions of peace and war of the gravest consequences to the great Powers of Europe are being discussed. War of the most extensive range, peace upon a solid basis—these two conditions of things are pending in the councils of Europe. Is it not of the utmost importance, then, that while such questions are pending the Government of England should inspire confidence in those with whom it is in negotiation—confidence not only as to the views which it entertains, but as to the permanence of its authority; because we all know that a Government whose existence depends on an event which is to happen six weeks hence is not a Government which the Powers of Europe will consider as permanent, or look to with much deference. With regard, therefore, to the state of things both at home and abroad, I think the course which the Ministry have adopted is not one calculated to promote the interests which they, I honestly believe, have at heart, and which it was in their power to have advanced. I say they would have done better if, feeling it their duty to retain office, they had, without a dissolution, brought in another measure of Reform likely to satisfy the just expectations of this House and of the country; and then, that measure passing, as I think it would have passed, they would have had not only the satisfaction of avoiding the disturbance at home which must arise from a dissolution now, to be followed possibly next autumn or next winter by a dissolution after the Reform Bill, but they would also have had the advantage of going to the Congress—if to a Congress they must go—with all the weight and authority of a Government resting, as far, at all events, as this was possible for them, upon a permanent foundation. I do not understand, either, the grounds upon which they announced their intention not to bring in a Reform Bill. I do not know whether I am to understand that as implying that when the next Parliament assembles they will consider their pledge to the present Parliament as null and void—whether they propose to carry on the Administration of the country without bringing again under the consideration of Parliament the question of Reform. If that be their intention, I think they will find themselves unable to carry it into practice. But that is a matter for them and for the future House of Commons to consider. I understand from the right hon. Gentleman that it is the intention of the Government to take an early moment for proroguing and dissolving Parliament. I entreat them to take the earliest opportunity of doing so. I am sure they will find no impediment offered to them by any Members of this House. We recognize the right of the Crown upon any occasion to appeal from the House of Commons to the country. We may think it more or less advisable to make that appeal, but when such an intention is announced, I am persuaded that this House will concur with Government in accelerating as much as possible the moment for dissolving. It is needless, I am sure, to point out to the Government the great embarrassment and inconvenience which must arise to hon. Members on both sides of the House by a prolonged interval between the announcement of that intention and its fulfilment. There can be no motive whatever for any delay, and I trust that, at all events before Easter, the Government will be able to pass those measures which are absolutely necessary for the public service, and that no time will be needlessly lost before the dissolution is brought about. I shall only say, therefore, that I presume Parliament will meet at the earliest moment at which the writs are returnable. I consider this to be so natural and necessary a course that I need hardly ask the Government whether that is their intention. It will be most unconstitutional—in fact, it will be impossible—for them to avoid it, for whatever votes and arrangements are now made will be only provisional, and therefore it is needless to point out that Parliament must meet at the earliest moment at which the writs are returnable. In conclusion, I can only express my regret—not that the Government have retained office, because it is for them to consider whether it is their duty to do so, and I will not enter into the question—but that having deemed it their duty to retain office they have not felt it equally their duty to go on immediately with a measure of Reform. I do not say that they should have gone on with this Bill or that Bill, but that they should have proposed to Parliament some measure of Parliamentary Reform, and I regret that they have resolved, instead, to put the country to an inconvenience which I hope will not be so full of evil as I may be disposed to anticipate—the inconvenience of a dissolution possibly to be followed with in a few months afterwards by a second dissolution, as the consequence of that measure of Reform which either they or some other Government may be obliged by a sense of public duty and in deference to public opinion to introduce.

Mr. BRIGHT: I feel, in common with a great many Members of the House, that the course taken by the Government is one which subjects us to a large amount of personal inconvenience. It is just possible that some of us who are now assembled here may, after the coming event, never find ourselves together under this roof again. At the same time, I think, considering all the circumstances of the case, and leaving out of view any personal interest that we may have in it, it is impossible to come to any other conclusion than that the Government have taken the course which, acting upon the well-known rules of what is understood to be the constitutional or Parliamentary practice of the country, they were bound to take. We must bear in mind that the question which was decided last week was probably the greatest question that could possibly be submitted to us; that this Government were defeated by a majority of votes exceeding one-half of all the Members of this House—a vote very unusual when the existence of a Government is at stake. We must bear in mind, too, that the question before us was not one entirely for Parliamentary settlement, but one which, I believe, in every country where a Parliamentary system prevails it would be considered right to send back to the constituencies for their discussion and for their decision, before Parliament came finally to adjudicate upon it. What was said by the noble Lord the Member for Tiverton on a former occasion, as well as by some other Members in the House, with regard to the terrible consequences of asking the constituencies their opinion upon this subject, was a kind of observation which I should scarcely have expected to hear. If you cannot trust the existing constituencies to express their opinion upon this question, why should you deliberate whether you should increase the popular power in these constituencies for the future? You ought rather to limit the power of the present constituencies than endeavour to extend it, if you are afraid to ask their opinion upon a question in which all of them are so vitally interested. But the right hon. Gentleman, with his colleagues, having taken this course—and I applaud it; excepting their immediate and instantaneous resignation, I believe it was the only course which was at all possible for them—has cleared the ground a little for himself and his friends, and has endeavoured to get up a little political capital against some of us on this side of the House. I understand the right hon. Gentleman to clear himself, his colleagues, and his party from all concern in the question of Parliamentary Reform for the future. ["No, no!"] I understood him to state that the pledge which they gave in the last Session of Parliament had been redeemed, and that we are not to expect that the Government would run their vessel against a similar rock when they should put to sea again after a general election. Now, to an announcement such as that I have no objection whatsoever. I believe that it was a foolish pledge which they made last Session to introduce a Reform Bill, and I am, moreover, of opinion that it is a pledge which the Government, leaning on the support of hon. Gentlemen opposite, cannot fulfil to the satisfaction of the country. But the right hon. Gentleman tells us this—and it is on account of the observations which he made upon that point that I have ventured to trespass for a moment on the present occasion on the attention of the House—the right hon. Gentleman, I say, holds up to the country this option:—"We," meaning himself and his friends, "offer you a measure of Reform Conservative in its character. You have no other alternative, if you do not take this, than a measure of Reform which will be revolutionary in its nature." The right hon. Gentleman knows very well—indeed, it is not in his speeches in this House that we have heard of it for the first time—the value of a cry. In one of his earliest works he sets out by teaching Tadpole and Taper in what its value consists. In that day the cry of his friends was "Our young Queen and our old Constitution." The cry now, however, is that he and his friends are Conservative, and that they offer to the country a Conservative Reform Bill, while their opponents—meaning, I presume, the noble Lord the Member for London and all who sit on this side of the House, and who are the friends of Reform—are favourable to a measure revolutionary in its character. Now, it strikes me as a very odd thing that the Bill which the right hon. Gentleman introduced, and which he says is a Conservative Reform Bill, has, if possible—allowing for the difference of numbers—actually met with more determined opponents on that than on this side of the House. It does not seem, therefore, that the measure was, in the opinion of hon. Gentlemen opposite, very Conservative in its character, while there are some among them who, if I am not deceived, deemed that some of its provisions actually tended in the direction of revolution. Now, Sir, I, for one, am not at all afraid of the tribunal before which the right hon. Gentleman and his colleagues are about to bring this question, I presume that if the language which the right hon. Gentleman had used refers to anybody more distinctly than to another, that individual is myself, because among the various definite propositions on the subject of Reform — if there be any — which have lately been discussed before the country, that with which my name is connected is, perhaps, the most definite, and that which has been most fully discussed. Well, then, that being so, I undertake to say that in any proposition of reform which I should propose, defend, or support, I should proceed exactly upon the lines which were laid down by the Bill of 1832, and in accordance strictly and rigidly with all the landmarks which the most gifted and capable statesmen of this country for the last sixty years have set up for our guidance upon this question. If I make the constituencies of the country larger and freer,—if I take seats from a handful of people spread over small and inconsiderable and decaying towns and give them to the large populations who form the great centres of your commerce, your industry, your taxation, your public opinion, and your power—if I do all this, and to do so, be revolutionary, then I have to unlearn the meaning of the word. The right hon. Gentleman must attach to it some meaning which I am not accustomed to give it. I am perfectly satisfied that the hon. Members of this House and the people of this country who are anxious that your House of Commons should be a fair—I do not say a mathematically exact—representation of your great populations and their great interests, of the intelligence, and industry, and wealth, and virtue of all classes of the community,—I am, I repeat, perfectly satisfied that they are the very last persons who can fairly be charged by the right hon. Gentleman with any attempt to revolutionize the English constitution. I rose for the purpose of making this declaration. I make it in all truthfulness. I believe it to be as I say in my conscience. I am of opinion, moreover, that the sentiments of which I speak are those which are entertained by the great body of the constituencies throughout the country. I am delighted that the right hon. Gentleman and his colleagues have had the courage to remit for settlement to the constituencies of the United Kingdom the question at issue between us; but I warn the right hon. Gentleman and his friends against making when they go to the hustings,—when their committees send out placards, when they make speeches, and when their press writes—charges such as those which I take it for granted they are about to hurl against the great party of Reform. If you choose to adopt that line you must take the consequences. You know on which side the power of numbers will be ranged, and you must be perfectly well aware that if you dare the contest to the utmost it is your party and not ours which will come off second best in the strife. Now, I wish that we should enter upon this great contested election which is so near at hand, and on which so much as regards the interest of this great country depends, as far as possible in a spirit of calmness. I should like that hon. Gentlemen opposite should lay all the bearings of the case before their friends and constituents. I would say to them, "Discuss it fairly, and do not charge me with revolutionary designs. I do not charge you with fostering such designs. I simply charge you with what I should call an unacquaintance with the opinions of your countrymen, and an ignorace of what is requisite for the good of your country;" and, having said thus much, I shall say no more, but that I entirely approve of the course which the right. Gentleman and his colleagues have taken. It is, I think, a wise course in the emergency with which they have to deal, and I trust that when the new Parliament meets there will be enough of decided opinion in this House to enable some Government which may then be formed — if the present Government should refuse the task, as I presume they will—which will bring forward and pass a moderate, but substantial measure of reform, such as will place it in our power to say to every man, every malcontent—if, indeed, there should be any left—that, although Parliament does not exactly represent the people at large, it is so fair and just a representation of all the great interests of the country that during our lifetime, at least, we may never be called on again to discuss any question connected with the Reform of the House of Commons.

Lord JOHN RUSSELL: Sir, one observation has fallen from the right hon. Gentleman the Chancellor of the Exchequer this evening which I cannot pass over without notice, and which I must be permitted to couple with another observation which fell from him on a former occasion. The right hon. Gentleman says, that he does not consider this question of Reform the appanage of any individual or the privilege of any party, and in that view of the subject I entirely concur. I stated before that, in my mind it was a question which admitted of considerable doubt, whether the Earl of Derby ought to have accepted office last year. My own opinion, indeed, was, that he ought to have refused that honour. But having assumed the reins of office he was, in my opinion, bound to introduce a measure of Reform. Thus far I agree with the right hon. Gentleman the Chancellor of the Exchequer. But if it be competent for any person or party to introduce a Reform Bill, it is assuredly competent for any other person or party to form a judgment on that Bill, and, if they think it mischievous, to oppose it to the utmost of their power. That right the Chancellor of the Exchequer appeared a few nights ago to refuse me. I took, however, that course which I deemed—if the Bill were, as I believed it to be, of a mischievous character—the most Parliamentary and the most convenient for this House to adopt, because if we were to go into Committee on a Bill which abounded in faults in its main provisions, and which was regarded with disfavour by the great majority of the House of Commons—if clause after clause were to be rejected, and new clause after new clause introduced in their stead, it would have been a question every day and almost every hour, whether the Government should throw up their Bill—whether they should consider the last vote or that by which it was preceded destructive of their measure, or what course they ought to pursue. But the right hon. Gentleman has told me, that in placing my Resolution on the notice paper, I acted in a manner which, in accordance with his judgment, precluded him from declaring the peace of Europe to be secure. Now, let the House recollect that the right hon. Gentleman, in bringing forward his measure, stated it to be a measure of such magnitude, that it was superior in point of importance even to the question of peace or war, because peace or war could be only of limited duration; whereas the passing of a Bill on the subject of the representation of the people in Parliament might influence the country for many succeeding generations. Yet, after having made that statement, the right hon. Gentleman thought it right to endeavour to cast censure upon me because, he having moved the second reading of his Reform Bill, I, in his opinion, in opposing that Bill, took a course which was dangerous to the peace of Europe. My answer to him is, that if there were any such danger, the responsibility of creating it rests with the Government, and not with me. They have no right to propose a Bill involving such vast consequences, or to press it to a second reading, if they thought that opposition to it might prove dangerous to the peace of Europe. They are not justified in saying to us, "Here is a Bill affecting the present as well as future generations of our countrymen, altering the constitution of the State and placing its representation on a new basis; you must pass it, with slight Amendments, almost in its present shape, or you will be responsible for disturbing the general tranquillity of the Continent." For my own part, Sir, I believe there is no such danger. I cannot bring myself to think that a vote of this House, or the treatment which this Bill has received, can have any influence whatever on the settlement of European peace. Having said thus much, I now proceed to make a few observations with respect to the manner in which the vote of this House has been received by the Government. Sir, I admit there was in the Resolution which I proposed, matter which might have led Ministers to the conclusion, that their conduct was censured in reference to the introduction of the particular measure which they brought forward. It behoved us, on the other hand, to consider the grave interests involved, and the reasons which had induced the Government to introduce that measure. I do not agree with the hon. Member for Birmingham (Mr. Bright) that it is desirable *per se* that this question should be left to the decision of the constituent body before it is again brought under the consideration of the House. I think it was of great importance that this House should endeavour to settle the question in the present Session. And there was in the late debate, although not agreeing with the Government views, there was so much agreement as to the general principles of any measure that would be likely to pass this House, that I think it would have been in the power of the Government—if they had introduced a reasonable measure—to obtain the sanction of Parliament to its provisions. Considering the state of public business, considering the state of affairs abroad, and considering the danger of the question itself, that parties may become more and more driven asunder, I think it was the duty of the Government to exhaust every means of getting this question settled before they resorted to the measure of a dissolution. With respect to that measure of a dissolution, it is certainly a perfectly constitutional step. There can be no objection upon the ground of its not being a constitutional proceeding the Government tendering their advice to Her Majesty to dissolve this Parliament and to summon another. Whether that was a wise course to adopt is undoubtedly a separate question upon which the new Parliament will probably have to decide. Now, Sir, I have been much taunted, during the last debate with the vagueness with which I, while opposing the Government Bill, spoke of the future measure of Reform which I should be ready to propose or to support. I was vague upon that point advisedly. I knew perfectly well that, if I had sketched out a measure which I thought would be acceptable to the House, the debates upon the other side would naturally have fastened upon my measure, would have discussed all its provisions, and would have endeavoured, under the cloud of objections which they would have raised, to conceal the radical faults of the measure which they themselves had brought in. I rejoice that that measure has disappeared. My belief is that, in the first instance, it must have tended to the creation of a class of close nomination boroughs such as were disfranchised under Schedule A of the Reform Act of 1832. I believe that must have been its first consequence. Its second, I believe, must have been to admit much greater innovations than the Conservative party would like to see. My notions of a Reform Bill are very much more humble, and I have no objection to tell the House what those notions are. In the first place I should not propose any new basis of representation. I would preserve the representation of counties, cities, and boroughs as it has been from the earliest times of the House of Commons. I should propose a £10 franchise in counties. I think the argument of the right hon. Gentleman the Chancellor of the Exchequer was sound when he said the Government could hardly have proposed a higher franchise without being reminded of the decision of a majority of the House, and, therefore, besides being of opinion that it is a sound franchise, I should think it the wisest course to propose it to the House. Then with regard to all those franchises which are called "fancy franchises," there were some, no doubt, of that nature in the Bill of 1854. They may require revision and amendment, but, nevertheless, I am disposed to think that those franchises would admit many men well qualified to vote at elections. Now, as to the franchise in boroughs, I am of opinion, notwithstanding all that has been said upon the other side in the course of the debate, that it would be useful, that it would be safe, and even that it would be absolutely necessary, in order to make the representation safe, to introduce another class of voters in boroughs, and that I would do by reducing the present yearly value of £10 to a yearly value of £6. I think there are great advantages in not having the franchise the same as the municipal franchise. In introducing the Municipal Reform Bill I stated the opinion of the Government of that day, that it was desirable to keep the franchises distinct; and I am of that opinion still; and, besides that, the reports which I have received from various parts of the country as to the municipal franchise do not make me think it would be desirable to introduce that franchise for the election of Members of Parliament. But I do believe, contrary to the opinion which has been expressed in such strong terms from the Treasury Bench, that it is desirable to introduce a larger portion of the working body—I should say of the working classes—into the constituent body which sends representatives to Parliament. I believe, Sir, they are a loyal body, that those I refer to, the best portion of the working classes, are a sufficiently instructed body to be able to make a good choice of Members of Parliament. A great political writer has said, their is a vast difference between a judgment with respect to political measures, and a judgment with respect to men who are fit to be entrusted with political power. I believe that is a perfectly true observation, and I do think the addition of a large number of the working classes would form a better and a sounder basis for representation in this House than we now possess. [An hon. MEMBER: The freemen.] As the hon. Gentleman has mentioned freemen, I may say I am strongly of opinion, as matters now stand, it would not be wise to interfere with them at all. In 1832 we left the privileges of freemen as they now stand. We did so deliberately, after much debate in this House, and still more elsewhere. I do not think it would be wise now to make any change in that respect, although in the Bill of 1854 some change was proposed. There is another subject which I think should be dealt with by a separate Bill. I mean the question of disfranchisement and the redistribution of seats. That is a question encompassed by the greatest difficulties, because there is not only the difficulty of disfranchisement in the first instance, but the question of redistribution will raise differences of opinion as to counties and towns, and various other points of the utmost difficulty of solution. My opinion is that if about twenty-six seats were taken from the smaller boroughs now returning two Members each, and to them were added the four seats now vacant, we should have a fund of thirty seats to distribute, which should be given to those new places which are considered to be deserving of representation—such as Burnley, Birkenhead, Staleybridge—and perhaps to some of the largest agricultural counties. Whether that would be an arrangement that would last for many years it would of course be presumptuous in me to say positively, but my opinion is that Bills of that kind, so providing for a reform of the representative system, would settle the question for many years to come. I do not wish to indulge in vagueness upon this subject, and I may say that I think such a measure would be more beneficial than the late Bill of the Government, that it would produce little disturbance in the representation, and would send to the House of Commons men well qualified to discuss the affairs of the country. The right hon. Gentleman and his colleagues have chosen otherwise. They have chosen to make declarations in this House in the strongest terms against any further lowering of the franchise, against any further admission of the working classes. [*Cries of* "No, no."] Over and over again did the right hon. Baronet the Secretary for the Colonies and other right hon. Gentlemen declare that beyond the franchises in the Bill they could not consent to any further admission of the working classes by a reduction of the £10 franchise. I believe such a declaration, if supported by any Parliament, would be found an exceedingly dangerous one. I believe its tendency would be to make a large class of the very best men in the country, the most industrious and the best conducted, hostile to the very institution of this House. They would no doubt be brought to consider themselves excluded by an arbitrary and invidious line, and I am sure that we should be unable to keep up that line. There is one thing more upon which my noble Friend (Viscount Palmerston) has touched, and upon which I also wish to make one observation; and that is whether, when this Parliament is dissolved, the new Parliament is to be immediately summoned? In 1841, Sir Robert Peel, when I announced a dissolution, asked me for a pledge that no time should be lost in summoning the new Parliament, but that as soon as it should be elected it should meet. I suppose it is the intention of the Earl of Derby and his colleagues to pursue a similar course. It would be quite unconstitutional if they did not pursue that course, and refrained from meeting Parliament as soon as possible. As Ministers of the Crown they have taken upon themselves the responsibility of advising a dissolution, and I think it is the duty of this House to aid them in every way by passing as quickly as possible such supplies as may be required. [An hon. MEMBER:—The Ballot.] On that subject I can only say, if the present Ministry should introduce any Reform Bill containing clauses introducing the ballot I shall feel it my duty to vote against it.

MR. DRUMMOND (who was at first heard with difficulty) said, he attributed the majority of Friday morning last to the combination of three factions, not only discordant with each other, but the Members of each of which were discordant among themselves, and not one of which had dared to produce to the House a Bill of its own. There were three heads to the Opposition. Nobody knew where the tail was, but wherever it was, it was always at variance with the heads. The hon. Member for Birmingham (Mr. Bright) seemed very much alarmed at the possibility of his measure being characterized as a revolutionary measure. But if such were not the case, there was no meaning in the English language, for there was not an institution in the country—the Crown, the House of Lords, the whole structure of Parliament—which he would not do his best to destroy. Whenever that Bill was brought forward he (Mr. Drummond) for one should lose no opportunity of exposing its revolutionary character. It was worthy of remark how very different the language of the hon. Member was in that House, where he could be met, from what it was when he was addressing large masses in the country; but that was not all. There was an association which hired people to go about the country preaching untruth. In common with those persons the hon. Member advocated the throw ing of all the direct taxation on land. Was not that revolutionary? He said, if ever there was a contrivance for preventing the passing of good laws it was the contrivance of King, Lords, and Commons. He was sorry that he had not then got the hon. Member's speeches in his pocket; he generally had them with him; but it was in such terms as he had mentioned that the hon. Gentleman spoke of a form of Government which was the admiration of surrounding nations. It was important that fallacies like these should be exposed, and he hoped that no opportunity would be lost of letting the country know how destitute of foundation they were.

MR. HORSMAN:* Mr. Speaker, the statement of the Chancellor of the Exchequer as to the course determined on by the Government cannot have taken the House by surprise. Independently of mere party considerations no one can regret that the Government, after the position in which the vote of Friday morning placed them, have taken a course consistent with their own character and with the dignity of the House, especially if, as the Chancellor of the Exchequer has stated, it is, of the two courses open to them, the one most conducive to public interests.

The condition of the Government and of the House had become critical after the vote of Friday. The question had assumed larger dimensions; complications were thickening — responsibility was growing both at home and abroad; and an anxious public was watching every move in this House with the more jealousy because, on this very question of Reform, Parliament had lately acted with an appearance of levity and insincerity that had left it little character to lose.

I am one of those who think that the pledge given by Lord Derby on the subject of Parliamentary Reform, as it was at variance with party traditions, so it was also at variance with sound party policy; and the mere fact alleged by the two seceding Members of the Cabinet, that at the beginning of former Sessions a vague paragraph had been inserted in the Royal Speech promising a measure of Reform, and at the instance of those whose policy the present Government disapproved of—imposed, in my opinion, no obligation on the noble Lord to legislate on the subject.

I believed it to be impossible for a Government, situated as they were, to propose a Bill that could be satisfactory to their opponents without displeasing their friends, or palatable to their friends without disappointing their opponents—and so it proved.

As the noble Lord, the Member for the City, has just stated the Amendments which he would make in our representation, I may be allowed to remind the House of a statement I made, or, if I may say so without presumption, a challenge I threw out on the first night of the debate, and which to the last remained unanswered. On that occasion I challenged any man in the House, layman or lawyer, to refute my assertion—that the Government Bill was so constructed that it might be made a more liberal and popular Bill than any that we had seen since 1832, by fewer, and shorter, and simpler Amendments than are made in ninety-nine out of every hundred Bills of the same length that pass through Parliament. I gave that challenge, as I have said, on the first night of the debate. Almost all the most distinguished lawyers in the House spoke after me. Every one, with hardly an exception, did me the honour of referring to some portion of my speech. But on this point my opponents observed a most judicious silence; while some of the most eminent legal authorities in the House endorsed my statement. But what did other distinguished men, not professional, say to it? The noble Lord the Member for Tiverton entirely supported me; and the most important confirmation was in the speech of the right hon. Baronet the Member for Carlisle, who made, I may say without disparagement to others, the most damaging speech against the Bill; and yet, searching, logical, and conclusive as it was, leaving no other weak point untouched, he avoided all notice of this. And the statement did not, when he rose, rest only on my authority. The right hon. Gentleman, the Member for Bute, had just preceded him; he not only adopted and confirmed my statement, but he enlarged upon it—urged it more fully and powerfully in detail—and yet, as to this important challenge, reiterated on the high legal authority of the right hon. Member for Bute, the right hon. Baronet preserved a guarded, and most significant, and most conclusive silence.

Then am I not entitled to assume for myself and those friends who voted with me, that if our suggestion had been attended to, all the new provisions which the noble Lord has to-night sketched out might have been inserted in the Bill? We might, for any impediment presented by the structure of the Bill, have had a large extension of the suffrage—a £6 suffrage or a household suffrage — and if the House had so willed it, even the establishment of the ballot.

Doubts are now expressed as to the prudence and policy of the course which the Government has determined to take; but the vote of the House had left them no alternative but dissolution or resignation. On their own knowledge of circumstances and their own responsibility, they have selected the former, and we are not in a condition to impeach that choice.

For, as to a change of Government, every one must see inconvenience in that course also, at the present moment. My opinion as to the continuance in office of the present Government has ever been this; if I am asked whether the present state of things in this House is satisfactory, with so weak a Government in power, I should reply—certainly not. And if I am asked if the House can have confidence in a Government so placed, that it cannot conduct affairs with safety at home, or power and influence abroad, I reply, as every man in the House will reply, that no Government can have our confidence which does not represent the first law of our constitutional system, government by the will and power of a majority.

And if it had so happened that the Cabinet had fallen from its own internal differences or weakness, I should have deemed that, in a constitutional point of view, a great relief; and the new Government would have been entitled to forbearance; and would have received it from a nation that is ever tolerant of men who, conscious of their difficulties and deficiencies, and arrogating to themselves no exclusive title to statesmanship or office, may have been placed in power by the shortcomings of their opponents.

But it is a very different thing when a Government is displaced by violent action from without. The succeeding one has then excited irritation, provoked hostility, aggravated responsibility, and would, in this instance, become the substitution of one weak and precarious Government for another.

I have desired to see the passing of a Reform Bill this Session, because it would assist in two things which the nation wants —rest, and a strong Government.

Rest is incompatible with the agitation that must follow a postponement of Reform. And when I speak of agitation, I do not use that term in the common acceptation, as implying agitation from below —I have no dread of that—to use a phrase that has been lately much bandied about in debate, I have no fear of the people of England. I have no fear of the honest, earnest, hard-working operative class, that have justified by their conduct every privilege that has been granted, and will repay by their loyalty every trust that may be reposed. What I dread is the agitation from above—emanating from those in high places, making Reform a stepping stone to power. I dread not the agitation of the poor man struggling for a vote, but the agitation of the rich, scrambling for office; and that is the danger that postponement creates.

And as to the want of a strong Government—the present Government is not strong —the next one, if it be the result of a party struggle on Reform, cannot be strong— and in my conscience I believe that it depends on the proceedings of the new Parliament when it assembles, whether in our generation we shall ever see a strong Government again.

That will be a prospect resting very much on the conduct of those who are leaders in this House. It will be a question, when the new Parliament assembles, not of Reform, nor of party, but of the permanent influence and character of our representative system. It will be for our leaders to uphold that character, and maintain unimpaired that influence. But, however they to whom we have a right to look for example in this House, may discharge themselves of their responsibility and duty, I hope that we on these benches shall remember that we, every one of us, have a responsibility and a duty too—that we shall make it known that a political party can have higher ends than office, and that we shall throw back the taunt which has been so frequently cast upon us in these debates, that ours is

"A vulgar party race,
Struggling by dark intrigue for place."

I trust that, on every occasion, we shall affirm by our vote, and prove by our example, that if party combinations have any value, it is when they knit and bind men together in that high mission of vindicating what is right — and repudiating and resisting what is wrong—and subordinating every personal and party end to the triumph of those great principles of patriotism and truth, on which alone we can build the strength or sustain the honour of men, of parties, or of nations.

MR. DEEDES said, he understood the noble Lord the Member for London to say that the Government, in proposing the Bill, themselves put a bar to any possibility of their lowering the borough franchise, and that those hon. Members who had supported the second reading had pledged themselves against lowering that franchise, and were barred in the same manner as the Government. [Lord JOHN RUSSELL: No, no; I did not mean that.] He certainly understood that noble Lord to say that those hon. Members who had supported the Bill had precluded themselves from taking any share in lowering the borough franchise.

LORD JOHN RUSSELL: I alluded to those Members of the Government who spoke from the Treasury bench. I do not hold the same opinion in respect of those independent Members who supported the Government, for I understood them to differ with the Government on almost every point.

MR. DEEDES said, he was glad to hear this explanation. He had long been prepared to lower the county franchise from £50 to £20, and that he thought the borough franchise might be reduced to a £6 rating, believing that the time was come when there were many men occupying £6 houses who were perfectly worthy to be entrusted with the right of voting. At the same time he was of opinion that it would be a very sound principle that under no circumstances, whether for property in a borough or a county, should a man have more than one vote. He thought that the Government was wrong in bringing in a Reform Bill at all; it was misplaced in their hands; but, having done so, and having found that their measure was one the principle of which was approved neither by their friends nor their opponents, they ought to have withdrawn and introduced another, which would have been consistent with what was expected of them. As to the course which they had now adopted, he could only say that if they felt it their duty not to resign, no other course was open to them. Entertaining as he did a strong feeling that, looking to the state of affairs on the Continent, a change of Government would at the present time be attended with great risk, he was perfectly ready to subscribe to the course which they had taken, and he should go to his constituents without the slighest fear of being obliged to tell them that he had given a vote which required any explanation.

MR. NEWDEGATE: Sir, having in the commencement of the debate on the Reform Bill, expressed in very strong terms my objections to what was then generally understood to be the principle of the Bill—namely, the uniformity of the franchise—I hope the House will allow me to state in a few words my reason for voting against the Resolution of the noble Lord. I agreed with the noble Lord in a great part of that Resolution. I objected to the change proposed in respect of the transference of the freeholders from the county to the borough constituencies, because I represent, perhaps, a larger body of freeholders, and freeholders in a town, than most county Members in the House: I should be ungrateful if I did not object to that proposition. But I wish to state the grounds on which I did so. Those freeholders were to be limited to their boroughs, but no additional representatives were to be given to those boroughs. The freeholders were to be transferred to a large body of voters, while neither to the counties from which they were to be removed notwithstanding the great reduction of the occupation franchise nor to the borough constituencies, to which they were to be added, were there to be any additional representatives given. Again, Sir, I thought it an unreasonable proposition that the county franchise should be reduced four-fifths, while no reduction was to be made in that of the boroughs. Though I might not go so far as the noble Lord in wishing to see the franchise for the boroughs reduced to £6, I thought some reduction ought to be made, and that if the occupation franchise in the counties was to be reduced by four-fifths that in the boroughs should descend proportionately. I have thought it right to make this statement, because, as a Conservative—a firm Conservative—and one who has ever upheld the bonds of party, I, for one, consider myself at liberty to object to any portion of a measure introduced by the Government of the day. In this case I, in the first instance, felt that so grave were the objections against the Bill, it would be my duty to vote against it. Why did I not do so? Because in the course of the discussions I heard Her Majesty's Government repeatedly say that that which I had been led to believe was a principle, was in reality only a detail. It was only after I understood that the Government left unfettered, with respect to these details, every man in the House who voted for the second reading, though urging objections against the Bill, that I voted against the Resolution of the noble Lord. I do not mean to express any opinion on the course adopted by Her Majesty's Government; but I think that, knowing as they did the objections of many of their own supporters to the framework of this Bill, it would have been wiser in them to have withdrawn it, and to have proceeded in another form; but I must warn Her Majesty's Government against this. They may send us back to our constituents. Some of us may not, perhaps, return; but if we do return — others and myself —we shall come here as Conservative representatives, considering that we are sent here to express the opinions of the Conservatives of the country, in no blind obedience to any leader but as much the representatives of Conservative opinions as any any hon. Gentlemen on the other side, the exponents of what are called Liberal sentiments. I may regret the course which Her Majesty's Government have decided on; for though a due sense of their own honour may entail upon them the necessity of a dissolution, that is a course fraught with the greatest inconvenience. I cannot help expressing the satisfaction which I, in common with so many others, feel at the talent and general knowledge which this House has exhibited in the debate which has just concluded. I think it highly to the advantage of the country at large that this most important subject was fully discussed in the House of Commons before being committed to the hands of those who will discuss it out of doors. I therefore regret that the course which the Government have taken should have led to this, as I consider, premature appeal to the country, the more so, since the dissolution of Parliament is to take place at a time when, from what we hear of the position of foreign affairs, the greatest inconvenience may be felt from even the most temporary suspension of the functions of the British Parliament. As, however, the Government have felt it right to appeal to the country in vindication of their policy, I must only hope that constituencies will remember that, in returning Members to this House, they are sending men here to decide, not on the fate of this Government or that or of one Parliament, but on the character of successive Parliaments which are to govern this nation for years to come. I feel very grateful to the House for having allowed me this opportunity of explaining my vote on this Bill. I am a supporter of the ties of party in the sense of a combination for the maintenance of principle; but I am no party man in any sense that would fetter me in respect of my opinions on such important a measure as that recently before Parliament if opposed to the principles I hold; and had I not been informed by my hon. Friends near me that they had received from Government an assurance that they were to be unfettered when the Bill came into Committee, I would have voted against it. As I understood that a vote for the second reading was in no way to fetter any hon. Gentleman if the Bill went into Committee, I felt it my duty to vote, against the Resolution of the noble Lord.

COLONEL WILSON PATTEN said, he thought that it was very desirable that the House should have some more accurate knowledge than it yet possessed as to what were the intentions of the Government. He understood that Ministers had advised Her Majesty to dissolve Parliament at some early period. It would be convenient to the House to know what they meant by "an early period." There was nothing on the Order book to prevent a dissolution taking place almost immediately, and after the speech of the noble Lord, the Member for Tiverton, he could not believe that any impediment would be thrown in the way of necessary business. When the noble Lord the Member for Tiverton recommended a dissolution, the votes that stood on the paper were passed as Votes on account, and he saw no reason why the same course should not be adopted now. Perhaps the right hon. Gentleman the Chancellor of the Exchequer would now state more definitely than he had yet done, at what period he thought it likely the dissolution would take place.

MR. BENTINCK remarked that he was glad that no share of the responsibility of recommending a dissolution rested on his shoulders. He rose not to go into the question, but to advert to what had fallen from the hon. Member for Birmingham (Mr. Bright.) The speech which that hon. Member had made was more suited for the platform than for that House. He had threatened the Conservative party with the pressure—he would not say the violence—of numbers. He (Mr. Bentinck) did not think it was language becoming that House to hold out to Members that they were to be coerced by menaces. Threats of this description grated on his ear and he could not pass them over in silence; but he was not going to bandy menaces across the House. When the hon. Member referred to the large numbers who were prepared to support him in intimidating those who sat on that (the Ministerial) side of the House, he lost sight of the great rural population of the country. That population was as much opposed as any hon. Member of that House could be to the doctrines of the hon. Member, and would be, in numbers and determination, more than a match for the class upon which the hon. Member relied. The hon. Member always seemed to think that the question of Reform could only be discussed with reference to the larger towns, and that the rural districts had no interest in the matter. So inadequately were the rural districts represented, that no Reform could be complete unless it did justice to those districts by giving them a larger share with the representation. It was thoroughly understood throughout the country that the whole question of representation was a question of taxation, and that the object of the hon. Member for Birmingham and his friends was to throw the whole burden of taxation on the rural districts. He did not believe that the menaces of the hon. Member for Birmingham would intimidate those to whom they were addressed, or that his language would gain for him the confidence of the great bulk of the people of this country.

Sir WALTER FARQUHAR observed that he was glad to find that the noble Lord the Member for Tiverton took a very different course on this occasion to that which had actuated him on the occasion of the late debate. The noble Lord had then uttered a somewhat unconstitutional threat that he would not permit the Government to go to the country; now, however, he had intimated that he would throw no impediment in the way of that course. He ventured to think that the noble Lord, on second thoughts, had taken a much better view of things. He also would beg to congratulate the hon. Member for Birmingham upon the moderation of his tone, as compared with his violent language during the recess, and he trusted the improvement would continue during the forthcoming election. The noble Lord the Member for the City had stated that he thought the noble Earl now at the head of the Government ought not to have accepted office under the circumstances by which he was surrounded; but the noble Lord (Lord John Russell) seemed to have forgotten that, before the Earl of Derby took office, he had an interview with Her Majesty, and asked Her to reconsider Her decision, and that it was only upon such reconsideration that the noble Earl at last consented to accept office. He also must express his regret that the noble Lord (Lord John Russell) did not favour the House with a sketch of his own Reform Bill when he proposed his Resolution, instead of reserving it for the present occasion. The scheme which the noble Lord now proposed was a modification of his previous plans, especially as regarded the disfranchisement of small boroughs. He thought that all the points which had been objected to by hon. Gentlemen on the Opposition benches might have been dealt with in Committee, and then the House would have redeemed the pledge made in their Address to the Crown, to give the proposition a calm and impartial consideration. Well, the Government were now about to appeal to the country, and it had been asserted that those sitting on the ministerial benches were afraid of the people. He, as a Conservative Member, elected in a great measure by artisans and freemen, denied the charge; for the people had shown a determination to defend the interests of the country, to stand up for Church and State, and to send to that House as representatives men resolved to do their duty fearlessly.

Colonel FRENCH remarked that he did not think it was of very great interest to continue the present debate, but there was one point on which it was desirable that the House should be informed. A question had been pressed on the Government by the noble Lord the Member for Tiverton which ought to receive an answer, namely—when the dissolution was to take place. He did not blame the Government for the course they had adopted in regard to their position in that House. Indeed he was glad that the Ministers for their own sakes had not adopted the advice of the noble Lord the Member for Tiverton, and consented to be dragged through the dirt. There were only two courses to pursue—either resignation or dissolution; and, if report spoke true, they had resolved at different times upon both those courses, and now adhered to the latter. He did not, however, concur in the reason given by the right hon. Gentleman the Chancellor of the Exchequer for adopting this course, namely—that a strong Government could not be formed from Members on the Opposition side of the House; for he believed that, had the Ministry resigned, a stronger Government than had existed since the Reform Act of 1832 would have been formed. The Chancellor of the Exchequer, when he spoke of an apparent difference between the noble Lord the Member for Tiverton (Viscount Palmerston) and the noble Lord the Member for London (Lord J. Russell) overlooked the fact that they were perfectly in accord as to what should be done, but differed only as to the when and the how. The noble Member for London would have crushed the Government Bill at once, while the noble Member for Tiverton would have destroyed it by degrees, and converted it into a measure of his own. He thought that the House should now be assured by the Government that the Parliament would be dissolved as soon as public business would permit, and be called together as soon as possible after the elections.

SIR FREDERICK SMITH said, he would request the indulgence of the House for a few moments. He would not have occupied the time of the House but for an observation which fell from the hon. Member for Birmingham (Mr. Bright), whom he understood to say that the Government were not disposed to lower the borough franchise, nor were the Gentlemen who supported them. He (Sir Frederick Smith) understood that the Government were willing, if good reason could be shown, to alter and amend any part of their Reform Bill, and certainly it was under that impression that he voted for the second reading. If the noble Lord the Member for London had been solicitous of carrying any Reform Bill this year he might have dropped his Resolution, seeing the willingness of the Ministry to act in a fair spirit, and in that case they would at that moment have been in Committee discussing the clauses of the Bill, which even that able and experienced statesman, the noble Lord the Member for Tiverton, admitted had good points in it. However, he (Sir Frederick Smith) was anxious to call attention to that clause which ought to be expunged from any future Bill—namely, the 15th, which disfranchised the dockyard artisans. [*A laugh.*] Hon. Gentlemen might laugh, but this was a serious matter. Here were some of the best artisans in the kingdom, who, having the franchise, were to be disfranchised the moment they were entered into Her Majesty's service—thus branding them with unfitness when there were no more loyal men in existence. There was no corruption among them; ten years back there might have been, but of late years this had been impossible, for not a single appointment was now made by the Admiralty. When there were vacancies a notice was fixed to the dockyard gates to that effect, and any men might present themselves, and were entered by the superintendent, if qualified. Then, as respects promotion, any men might compete for advancement. They underwent a strict competitive examination, and the names of the best men were sent to Sir Baldwin Walker by the examining officer, and if Sir Baldwin considered that the examination papers bore out the recommendation, he submitted the names to the First Lord of the Admiralty, by whom the appointment was then made. Nothing could be fairer to the men and to the country. He quite agreed in a proposal to lower the borough franchise to £6, as proposed by the noble Lord the Member for London. Since 1832 the price of materials had so decreased that a house which was then of the value of £10 yearly was not so good a house as that of £6 now. With regard to the franchises in the Bill, the Government, he believed, thought the lodgers and the savings bank franchises were both of them calculated to introduce a highly intelligent and deserving class to the suffrage. He hoped that in any future Bill the good points of the Government measure would not be lost sight of.

SIR DENHAM NORREYS said, that the noble Lord the Member for London had placed him in a very false position by the course which he had followed. He had been unsuccessful in the late debate in catching the eye of the right hon. Gentleman in the Chair, although he had risen no less than thirty times. Had he then been able to address the House he should have referred to the previous proposition of the noble Lord the Member for London in respect to small boroughs, many of which the noble Lord would have disfranchised. He should have stated that it was because he represented a small borough which the noble Lord would have disfranchised—that he preferred the plan of the Chancellor of the Exchequer, to obtain population for the small boroughs by an extension of their boundaries; and on that account he gave the right hon. Gentleman his support, and felt it his duty to vote against the Resolution. There were some other reasons why he took that course. Had the noble Lord allowed the House to go into Committee on the Bill they would have defeated the Government on some main question. How much better a hustings cry would they then have had. They would then have gone with the cry of "Emancipation of the working classes," or something of that kind. Now it would be open to right hon. Gentlemen opposite to take up the cry—they could say that they would have done something for the working classes but the Opposition would not let them. The noble Lord seemed afraid of the consequence of his own vote, and laboured to show it was not a party vote. Now, when a general laid down a train to blow up a fortress, he meant to blow it up, and did not regret his success. So the train of the noble Lord was, perfectly legitimately, directed to the Treasury bench, and he (Sir Denham Norreys) could not understand why he was now so afraid of his own success. He doubted, however, whether it would be for the advantage of the country, or even of the Liberal party, that the Government should be transferred to the noble Lord (Lord J. Russell). The Liberal party were not sufficiently united. In opposition they managed admirably well. But how was Government to be carried on by a party which was split up into three or four sections? Then, certain personal jealousies were sure to operate, which would render Government from this side of the House so insecure that he did not think its existence would be for the public benefit. Nor were such frequent changes of Parliament desirable with a view to the credit of this country abroad. As far as he was concerned, should he be again returned, whatever Government was in power, so long as he approved their measures, they should have his support; and he did think that the right hon. Gentleman had been most unfairly treated when the House refused to discuss his Bill in Committee.

LORD ELCHO said, he rose merely to put two questions to the noble Lord opposite (Lord John Russell). The House had had before it several Reform Bills. There was the last Bill of the noble Lord; the Government Reform Bill; and the Bill which had been shadowed out by the hon. Member for Birmingham. Now the noble Lord, when the Government Bill was before them a few nights ago, said that he was willing to enfranchise the great body of the working classes. Again, on that evening he had used that expression, declaring his opinion that the mode in which the Government proposed to effect this object—by means of "fancy franchises"—was inadequate, and that there should be a reduction of the borough franchise from £10 to £6 value, not rating, as was proposed in his Bill of 1854. He (Lord Elcho) wished to ask what the noble Lord meant by enfranchising "a" or "the" great body of the working classes? He presumed that the noble Lord would not have shadowed forth such a measure without considering its effect, and he wished to know therefore what were the noble Lord's calculations as to the number who would be added to the borough constituencies by a £6 franchise, and of that number what would be the proportion of artisans or of the working classes?

MR. BERNAL OSBORNE:—Sir, the noble Lord (Lord Elcho) has put a question which his experience in Parliament ought to have taught him cannot be answered. But if he had studied the subject, I think he would have seen that by the calculations of Mr. Newmarch the number of voters who would be added to the constituencies by a £6 franchise, and by the suffrage proposed by the noble Lord, would be very nearly a million. [Lord ELCHO: What proportion will there be of the working classes?] I shall not allow the noble Lord to drive me up in a corner by asking questions which it is impossible for anybody here to answer. We all know that the noble Lord is opposed to the admission of the working classes at all; but if he really wants information, I refer him to the paper published by Mr. Newmarch, which will save him from asking any such questions. With regard to the subject of discussion this evening, I agree with the right hon. Gentleman (Mr. Horsman). I am not at all surprised at the decision of the Government. After the speeches made by the noble Lord the Secretary of State for India and by the right hon. Baronet the First Lord of the Admiralty, it was totally impossible for the Government, consistently with their honour, to remain in office without resorting to the constitutional process of dissolving. Directly I heard the speech of the right hon. Baronet the Colonial Secretary, in which he called upon the middle classes to resist any large measure of reform, I wrote to my friends at Dovor, saying, "You may depend upon it we shall have a dissolution soon after Easter, and the Goverment are getting up a cry to go to the hustings with." I am not surprised, then, at the decision of the Government; on the contrary, it seems to me very natural that they should wish to try the chance of a dissolution; but I warn them that, having set the ball a-rolling, they will find it very difficult to stop it. I may or may not come back to this House; at any rate, I know that hon. Gentlemen opposite will do all in their power to keep me out; but, if I do come back, I expect to see a very different Parliament from the present, and I rather rejoice at it. I think this is a very bad Parliament, especially that part of it which sits on this the Opposition side of the House. The right hon. Gentleman the Chancellor of the Exchequer has paid a very just compliment to his party, and I think we might take a leaf out of their book with advantage. I regret that we are not more united; but when the hon. Member for Mallow (Sir Denham Norreys), in consistency with the old air, "The Rakes of Mallow," complains of our want of union, let me remind him that he was one of the thirty-one who deserted the party in the late division, and has done what he could, therefore, to create disunion. Then the hon. Baronet said, we might have altered this Bill in Committee. Why this is directly in the teeth of what we heard from the Ministerial benches, where it was said, "We will accept of no Amendment." ["Oh, oh!"] Yes, it is true the hon. Gentleman the Secretary to the Treasury was put up one evening, and said, the Government would grant everything, and the right hon. Gentleman (Mr. Horsman) and the hon. Baronet (Sir D. Norreys), forming on this occasion a party of two, cheered him lustily; but half an hour afterwards the Secretary of the Treasury was contradicted by another Member of the Government. ["No, no!"] Yes, this sort of deathbed repentance can't be accepted. Did not the right hon. and learned Attorney General for Ireland say that the Government would not condescend to sit in the House if the Bill were subjected to changes? and the First Lord of the Admiralty, in stronger and louder language, said much the same thing. The two hon. Gentlemen to whom I have alluded have been making speeches to their constituents deprecating opposition to the Ministry. Now I invite opposition to them from this side of the House. An attempt has been made to throw dirt upon us by connecting us with the hon. Member for Birmingham. I have great respect for the hon. Member (Mr. Bright), though I do not go as far as he does; but some persons seem to think that there are only two parties upon this question—the Conservative and the revolutionary party. The same argument was used in the time of the old Reform Bill. Those who advocated the measure of 1832 were also called revolutionary. This is the old rusty weapon which is always brought out by the Tory party on the eve of a general election. We shall see what execution it will do. Those hon. Members who are now trembling on the verge of a meeting with their constituents must take their position *cum grano salis*, and, while upon this subject, I cannot help adverting to a speech which was made by a gallant officer who sits on the other side of the House, and who voted with the Government, to his constituents down at Chatham some time ago, in which he told them that he would vote against the Bill. The hon. and gallant Gentleman's conduct, indeed, reminds one of the old paraphrase—

> "Sir Frederick, longing to be at 'em,
> Was speaking to the men of Chatham."

But, abstaining from all further criticism upon the wide difference between that hon. and gallant Officer's speech and his vote, I would remind the hon. Member for Mallow, whose constituency consists, I believe, at present of a small but select number, that it would be extremely desirable if we on this side of the House were to take a leaf out of the book of hon. Gentlemen opposite and give up some of those impracticable crotchets which now impede our united action. Having given this advice to the tails, I think I am bound to say something also with respect to the heads of the Liberal party. As long as we have two noble Lords who do not act in unison, but who are constantly striving to know which of them is to smell first at the nosegay, so long will there be hon. Gentlemen on this who will make excuse for voting with those who sit on the opposite side of the House. I should therefore appeal to the patriotism of those two noble Lords to come to some distinct settlement of their differences. I call upon them to do so in the name of their party. How long, I should like to know, are we to go on in this way, not knowing whom we are to follow? I believe the great Liberal party would be united if that question could be satisfactorily solved. Those who sit on the opposite side of the House have a leader—I allude to the right hon. Gentleman—in whom they place confidence. He has been enabled to consolidate his party—a task which, perhaps, if he had a noble Lord to quarrel with him, he would not have been able to accomplish. The consequence is that hon. Gentlemen opposite form an united body, and that they will go united to the hustings. But if we, the great Liberal party, go on Session after Session speculating as to what Lord This or Lord That will do, we shall suffer ourselves to be dragged through the dirt, and I therefore call upon those noble Lords to whom I am alluding to come to some understanding before a general election takes place as to which of them is to be our leader. The noble Lord the Member for London put forward a programme to-night which I thought a sensible and a good one, and which I think every real Liberal will be able to support. I trust I have now given a sufficient answer to the noble Lord the Member for Haddingtonshire (Lord Elcho) and I shall conclude by expressing a hope that, previous to the general election, the Liberal party will take counsel together, and not act upon the advice of those crotchety politicians who have been so well described by the right hon. Baronet the Member for Marylebone.

[*At a later period of the evening.*]—

Sir FREDERICK SMITH said, that the hon. Member for Dovor (Mr. Bernal Osborne) had made a personal attack upon him, and had imputed to him that he had promised his constituents at Chatham that he would vote against the second reading of the Government Reform Bill, and that he had not kept that promise, but had voted for the second reading. He begged to state for the information of the House and of the hon. Member for Dovor that he had never given such a pledge to his constituents, but that what he had told them was, that although he saw some defects in the Bill he should vote for the second reading.

Mr. BALL said, he begged to state, in reply to the remarks of the hon. Gentleman who had just spoken, that hon. Members on the Ministerial side of the House were not, as he seemed to imagine, indisposed to give a fair consideration to any Amendments which might be proposed in the Reform Bill introduced by the Government in Committee. Their intention, upon the contrary, was to go into Committee, and there so to modify the measure that it might prove conducive to the welfare of the country. When the Bill was introduced, he had felt it to be the duty of hon. Gentlemen on both sides of the House to lend their support to the Government in passing it into a law, inasmuch as they were the only Ministry who had the courage to bring such a measure under the consideration of Parliament in a tangible form. He was also of opinion that, when the speeches which had in the course of the autumn been made by the right hon. Gentleman the Member for Kidderminster (Mr. Lowe), and the right hon. Baronet the late Chancellor of the Exchequer (Sir George Lewis) to their constituents were referred to, they would be found to justify the Government in entertaining the opinion that those right hon. Gentlemen expressed the sentiments of the party to which they belonged on the question of Reform, and he could easily understand how Her Majesty's Minister sshould have taken those speeches into consideration in framing their measure, and should have their attention directed by them to the dangers which were likely to attend the adoption of the principles of which the hon. Member for Birmingham was the advocate. He had no opportunity of addressing the House during the great discussion which had taken place on the second reading of the Bill, although he had been desirous of doing so; but he trusted an opportunity would be afforded him of doing so before the dissolution of Parliament took place.

Sir CHARLES NAPIER said, he wished to ask the First Lord of the Admiralty if it was intended to bring the Report of the Committee that had sat upon the above subject before the House before the dissolution. He thought it was most important that this should be done. Several frigates were then wanting to be manned. The House knew perfectly well that when two large armies were assembled, and a river only dividing them, that a single musket inopportunely fired might bring on a collision which would set Europe in a blaze; and in such a case, England would not know how soon she might require her fleet.

Sir JOHN PAKINGTON stated, that when a Privy Council was next held, an Order in Council would be issued, in accordance with which the greater part of the recommendations contained in the first part of the Report of the Manning Commission would be carried into effect. With respect to the second portion of the Report, it would, he thought, be hardly right to ask the assent of Parliament to it by submitting any specific propositions to the House.

MR. WILSON said, he did not rise to prolong the discussion, but he was anxious to ascertain from the right hon. Gentleman whether the Civil Service Superannuation Bill would be considered further before the dissolution. This was not a party measure; it was prepared in the main by the late Government, and brought in by the present one; the House had already spent a whole evening this Session in discussing the merits of the measure; it was one in which the public service took the greatest possible interest, and he trusted, therefore, the Chancellor of the Exchequer would see the advisability of its being further considered before Parliament was dissolved.

MR. COGAN said, he thought the Government had taken the most dignified course open to them in recommending Her Majesty to dissolve Parliament. At the same time he wished to express a hope that in dealing with the question of Reform it should be dealt with as an Imperial measure, and that a stop should be as much as possible put to the practice of exceptional legislation. Ireland and Scotland and this country now formed a United Kingdom, and he did not see why they should be treated in an exceptional and not an Imperial line of legislation. He should also be prepared to include in any Reform Bill which might be hereafter proposed the protection of vote by ballot. He should also be glad to learn from the hon. Member for North Warwickshire whether it was his intention to proceed with his Motion respecting Maynooth on the following evening?

MR. ESMONDE said, he wished to know what course would be taken with regard to Irish business?

LORD NAAS replied, that he would state the intentions of the Government upon that point to-morrow.

MR. LINDSAY said, he entertained a strong conviction that the proposed expenditure of £100,000 a year, contemplated by the first portion of the Report of the Committee upon manning the Navy, would be useless, and therefore he hoped that the right hon. Baronet the First Lord of the Admiralty would not give his sanction to that portion of the Report until the whole question had been brought under the consideration of the House.

MR. CRAWFORD said, he wished to know what were the intentions of the Government as to the East India Loan Bill, and thought it was desirable that a day should be set apart for the consideration of the important question of Indian finance?

MR. AYRTON said, he rose to ask whether it was the intention of the Chancellor of the Exchequer to move that the Orders of the Day should take precedence of Notices of Motion on Tuesdays and Thursdays during the remainder of the Session, so that public business might go on. He thought it would be very inconvenient for private Members to detain the House on the eve of a dissolution with discussions which could not be brought to any practical end.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it now becomes my duty to reply to several inquiries that have been made, and to offer some comments upon some observations that have been addressed to the House. I think I ought first to reply to the queries of the noble Lord the Member for London and the noble Lord the Member for Tiverton as to the period at which we anticipate the new Parliament will assemble. I must say I was rather surprised at the inquiry. There was a pomp of patriotism about it, and the inquiry was pressed in such a manner as to convey the idea that it was supposed the Government were going to prorogue this Parliament and to call a new Parliament together next February. But the noble Lords must have been aware that such a course was utterly impossible with the state of feeling existing in the House and the country upon all subjects in which the rights of the people and the responsibility of Ministers are concerned. We are now going to ask for some Votes in Supply, and that the House should consent to some provisional arrangements, the influence of which can only extend over a limited period, and even the financial statement which it was my intention to have made next week, cannot in the present state of circumstances be laid before the House. I should have thought it unnecessary to assure the House, but I do so in order that there may be no misconception that the new Parliament will of course assemble at the earliest possible moment. I am asked when the dissolution is to take place. Of course I could not come down to the House to-day with that confidence upon the subject which Ministers in my position usually feel, because, after the extraordinary announcement made in the late debate by the noble Viscount, I was not perfectly confident that I should have received that constitutional support from the House which under the circumstances I might properly have relied upon. But, Sir, I can say this—I think in 1857 it took sixteen days to bring about the prorogation. I have no doubt that upon that occasion every effort was made to expedite business. Of course, it is quite impossible within twenty-four hours exactly to ascertain what the time will be, but I should hope the transaction of the necessary business will not occupy longer than it did in 1857. Every effort shall be made to carry on affairs as expeditiously as possible, and, speaking generally, I anticipate that upon the day upon which probably I should have moved the adjournment of the House for the Easter holidays, the prorogation may now take place, and the dissolution will then be, of course, about the end of the month. Therefore, hon. Gentlemen know now pretty accurately when the event may be expected. I shall propose to-morrow that Government orders shall have precedence over notices of Motion every day during the remainder of the Session. Now, some observations have been made that the Government had not decided to make the announcement which has been made to-night after the mature reflection which such a step demands, but that, in fact, they had at first determined to take a different course, which, upon second thoughts, they had seen fit to abandon, and to make the announcement which I have made this evening. I beg to say, in the most distinct and positive manner, there is no foundation for such a statement. The Government have from the first been perfectly aware of the responsibility attaching to the position they occupied, and of the line of conduct it would be their duty to pursue, and they have never hesitated from the moment when it became absolutely necessary to come to a decision—they have never hesitated as to the decision they should adopt and proclaim to the House. The noble Lord the Member for London, in the course of his observations, made a statement of a very important character. I will not say, as is sometimes said, "important if true," because I am sure the noble Lord, when he stated it, did so with the perfect conviction that he was stating what was actually the fact. But the noble Lord has unintentionally made a grave misrepresentation, and in that misrepresentation is involved really the gist of the present controversy. The noble Lord said that I had declared that "the opposition to the Bill of the Government for amending the representation of the people was dangerous to the peace of Europe." Now, Sir, nothing of the kind ever escaped my lips; I never deprecated opposition to that Bill; and, so far from opposition to that Bill being dangerous to the peace of Europe, I say, had that Bill been fairly encountered—had that Bill even been rejected upon the question of second reading, considering the remarkable character of the subject—Parliamentary Reform—which so many Governments have failed to deal with, I should not have considered that the deliberate opinion of the House upon that matter conveyed any censure or expression of want of confidence in the Government, and I should, under those circumstances—and I speak in the name of all my colleagues—not have felt it our duty to disturb the course of public business. What I complained of was, that the noble Lord thrust himself in between the introduction of that Bill and its fair discussion with a party Resolution, the object of which was understood by the House to disturb the Government. It was the conduct of the noble Lord—the irregular conduct of the noble Lord—which I said had injuriously affected the course of the negotiations—a statement which I deliberately repeat, and not the opposition to the measure of the Government, a measure with respect to which, of course, the Government had always counted on opposition, and the rejection of which they would have accepted from the House with respect. In answer to the remark of the hon. Member for Devonport (Mr. Wilson), I may say that I deem it to be for the advantage of the public service that the Superannuation Bill should pass. I feel, of course, great reserve and delicacy in asking the House to pass any measure in the circumstances in which the House and the Goverment are placed; but if there be that general concurrence of feeling upon this subject which I believe there is, I shall certainly recommend the House to pass that measure. There is yet one other point on which I shall touch before I ask leave to withdraw the Motion which I have made, and it refers to the statement which fell from the other noble Lord, the other leader of the Opposition—the Member for Tiverton. He said that it was evident from the statement which I had made that no further Reform Bill was to be expected from the present Government. It is possible that I may have inadequately expressed my opinion; probably it is more possible that the noble Lord should have misunderstood my expressions. I can only say, however, that what I intended, and what I thought I had done, was, to guard those with whom I have the honour to act from the imputation generally circulated among certain hon. Members of this House, that we had no right to deal with this question. On the contrary, I asserted our right—nay, more than our right, our duty—to deal with this question; but what I did say, and what I do repeat deliberately, is, that having fulfilled our pledge to the House and to the country on this subject, at great personal and party sacrifices, I held myself free from any distinct pledge to bring forward any distinct measure; that I should, on the part of my colleagues, feel that we had a right to deal with the question when we thought that the occasion justified it; but that, for example, at the meeting of the new Parliament in June or July, I did not consider myself any longer bound to bring forward any measure of Parliamentary Reform. It was to the meeting of the new Parliament alone that my observations were limited, and, generally speaking, I again assert our right to deal with the question, and our intention to deal with it whenever the public interests demand it. At the same time we hold ourselves exempted from any pledge which, as the noble Lord supposes, would render it incumbent upon us in June or July to bring forward any measure of Parliamentary Reform. I thought it desirable that upon this there should be a clear understanding, and having said thus much, I beg leave now to withdraw the Motion which I have made.

Mr. CRAWFORD: You have not mentioned the India Loan Bill.

The CHANCELLOR of the EXCHEQUER: I have before stated that it was our intention to proceed with the third reading of that Bill to-night. Do I understand the hon. Gentleman to object to that?

Mr. CRAWFORD: No. I only hope that sufficient time will be given for discussion before the Bill passes.

The CHANCELLOR of the EXCHEQUER: My noble Friend the Secretary of State for India is quite prepared to make a statement now on the subject, and the whole evening is open for the purpose.

Motion by leave *withdrawn.*

MAYNOOTH.

Mr. SPOONER said, he wished to state in answer to a question which had been put to him by an hon. Member (Mr. Cogan), that it was his intention to bring forward the subject of Maynooth to-morrow, and at the same time he would express a hope that his right hon. Friend the Chancellor of the Exchequer would not press his Motion for Orders of the day having precedence of Motions. He (Mr. Spooner) had already given way once to suit the convenience of the House, and if that Motion should be made he would oppose it, and would take a division upon it.

EAST INDIA LOAN BILL.

THIRD READING.

Order for Third Reading read.

Lord STANLEY: I feel, Sir, that on any subject of less importance than this I should owe some apology to the House for attempting to invite their attention to a matter of this nature after those more immediately interesting and exciting discussions in which we have just been engaged; and I am bound, in the first instance, to admit that the brief explanation which it will now be my duty to offer to the House with regard to the present condition of Indian finance will be of a less satisfactory character than that which I submitted to their notice nearly two months ago; but of this I can assure the House, that as upon that occasion I did, so upon the present occasion I shall, keep back and conceal no fact or expression of opinion bearing upon the subject of which I have to treat which comes within my knowledge or belief. Indian questions will always be treated by this House on their own merits; and I feel that at all times, but more especially in times of some public difficulty and embarrassment, it is the duty of the servants of the State to communicate with this House in the frankest and most unreserved manner. I do not intend to deny that it will be necessary for the Government, on behalf of the Administration of India, to make a demand of this House for larger borrowing powers in the course of the present year than two months ago it was considered would be necessary; and, of course, I am prepared to meet that question which will naturally be asked — How comes it that this difference has arisen; has it been an error, has it been owing to miscalculation, is it due to an excess of expenditure over what was anticipated, or is it due to any equally unexpected deficiencies in the revenue? I think that I shall be able to show that the increased demand for the Government of India is not due to any one of those causes, and that the difficulty which now presses upon the finances of India is purely of an accidental and temporary character. It may be remembered that in February last I stated distinctly to the House, when asking for power to borrow on behalf of the Indian Government to the amount of £7,000,000, that I had not before me any estimate of the expenses of the Government of India for the year 1859-60, that I had nothing before me but the comparatively small estimate for the home expenses, and that, therefore, my information was necessarily imperfect. If it be asked why, under those circumstances, did we come forward with a specific demand, and why did we venture to name the sum which we required without having received an estimate from India, my reply is, that we had no option in the matter, and that some part at least of the funds to be raised by the Bill were, and are, urgently required for the necessities of the Indian Administration. The estimate has not usually been sent home at so early a period of the year as the present, and even now it is not in my hands. I have nothing except two or three despatches, which have been laid before Parliament, which give the calculation which the local Government in India have formed upon the financial data before them; but I have not the means of checking that calculation by comparing it with the data on which it is founded. It is clear, therefore, that in asking six weeks ago for a specific sum to meet the wants of the Indian Government, I could only act upon calculations which were in a great measure conjectural. The theory on which we proceeded was this—that in the main, India must be left to defray the expenses of its own Government on the spot, and that it ought to be enough, if besides providing for the Home Administration, we had a margin to enable us to meet any sudden exigencies that might arise. Looking, then, at the question with the knowledge we then possessed, I think we were justified in the course we pursued. It will be remembered that in the year 1857-58 and in 1858-59, at the time when the mutiny was still unsuppressed — when an enormous destruction of public and private property had taken place in India—when great expenses for the raising of new levies were necessarily being incurred — at the time when the political confidence of the natives in the stability of the Government was necessarily disturbed — at that time and up to the present year India has been able to meet the expenses which took place there, with the exception of stores sent out from this country, and with the one further exception that in 1857, after the disturbances broke out, £1,000,000 was remitted in bullion from this country. I do not think, therefore, it was unreasonable to suppose that the same amount of assistance which had sufficed at the time of the utmost peril in 1857, and at the time of great military expenditure in 1858, would still be found sufficient in 1859, when political confidence is restored, when the stability of our Government is assured, and when our military expenses are beginning to be decreased. There is no doubt that at present—I will not say the credit of the Indian Government is impaired, but for the time the borrowing power of the Indian Government is considerably diminished. The general rule is, when a Government finds itself unable to borrow to the extent it desires, that that state of things can only arise from one of three causes. It may arise from the actual want of capital in the country itself; it may arise from the want of confidence in the stability of the Government; or it may arise from the community holding back their capital from the belief that by waiting, they make a better investment. I apprehend that any one who is acquainted with the state of India will not allege that the borrowing power of the Government is affected by the first of those causes; for we know that capital is not usually found wanting in India for the promotion of private undertakings by those who offer reasonable terms, and it is the practice of the Natives to hoard largely, as is proved by the extent is which bullion is imported. Nor can we suppose that the difficulty is due to the want of confidence in a political sense at a time when our military ascendancy has been more completely confirmed than at any former period. But if neither of these reasons operate, we are thrown back upon the third cause—namely, that of the capitalists in India holding back, in the hope of procuring some better investment for their money than it is now in their power to obtain. It is enough, in order to verify what I say, to take a general view of the question, and to look at the terms offered within the last three years. In August, 1856, a 4½ per cent loan was opened; in

January, 1857, a 5 per cent loan was opened, and since the mutiny began that 5 per cent loan was open to be subscribed for half in cash and half in 4 per cent paper; and now it appears that this resource is beginning to fail, and a new loan has been opened at 5½, one-half of it being in 5 per cents. Now, looking at these transactions, this at least is clear, that the Native capitalist may fairly believe that the wants of the Government are increasing, and that the rate of interest which they are prepared to offer is likely to increase in a similar proportion, and that if he invests his capital in the loan now opened he may possibly lose his chance of a better bargain hereafter. Not only does his chance decrease, but it necessarily and inevitably happens that when a higher rate of interest has to be offered there is some consequent depreciation of existing stock. We all know that the only inducement—or the principal inducement I should say—which Government securities offer to the population of India is the character of safety and permanence which they possess; because, as far as the rate of interest is concerned, it is well known that a higher rate can generally be obtained from private investments. When, therefore, it has been found that the effect of the transactions which have successively taken place has been to depreciate the value and actually for a time to diminish the capital invested in Government securities, that circumstance has operated to deter persons from investing in them. The only remedy for such a state of things is to take two steps, both of which the Government have now taken—namely, to fix a limit to the amount which they are prepared to ask for, and to the rate of interest they are prepared to offer, giving also such assurance as they can that this rate of interest will not be exceeded. But the only condition on which a pledge of that kind can be made good is that some other source should be looked to supply a deficiency, and that the Government here should take upon itself to supply whatever may be wanting after the fixed limit which the Government in India pledges itself not to exceed shall have been reached. That is the explanation of the difficulty in which the Government of India now finds itself. It is not a question of a larger expenditure than was anticipated, or of a smaller revenue than was expected; it is simply a question of having to borrow a larger sum in England than was intended, because less can be borrowed in India. Let us see what, according to the despatches which have been laid before Parliament, are the present requirements of the Government in India. According to the estimate — if estimate it can be called which is drawn from information at present so imperfect—the calculation of the Government in India is, that they want, in round numbers, £11,500,000. Perhaps it may be necessary to explain that the sum which they require involves merely a deficiency of ways and means to that extent, and not a corresponding deficit in revenue. But this sum of £11,500,000 includes payments made on account of railways in progress to the amount of £4,500,000. It includes, also, a proposed increase of the cash balance from a little less than £9,000,000 to £12,000,000. With regard to those railways in progress, the House is aware of the practice that the sums so laid out in India shall be reimbursed into the Home Treasury. With respect to the increase in the cash balance, that amount has to be spread over the local treasuries in India, 400 and more in number, and it represents the sum which is supposed to be necessary for carrying on the local administration, but does not represent a corresponding increase of expense. Deducting those two items, therefore, that deficit of £11,500,000 is reduced to a deficiency of £4,000,000, and that, I am informed, is still further to be diminished by a charge for stores having been included, which is to be met in this country. The amount of that charge for stores is about £1,300,000. That will reduce the deficit to a sum of rather more than £2,700,000 in India, to which should be added that part of the home expenses which is charged on the revenue of India, namely, £5,200,000. I am speaking under some difficulty; but I apprehend, after the minutest examination of the papers, before me, that the actual deficiency for the year 1859-60, including all charges except those for compensation and prize money, and excluding, too, from the other side of the account, the amount which may be expected to be derived from new taxes, is not much above £9,000,000. It was £9,000,000 in 1857–58, but in 1858–59, with respect to which the deficiency has turned out to be larger than was at first estimated, it is found to amount to £13,000,000 instead of £12,500,000. Regarding the question of Ways and Means, this House has to consider in what way the requirements of the Indian Government for the sum of £11,500,000 are to be met. It is proposed to borrow £5,000,000 in India —the new taxes are estimated to produce £1,000,000. It was originally proposed to raise the cash balances from something less than £9,000,000 to £12,000,000; but inasmuch as the amount in time of war, and when military operations were going on, was only £10,000,000, it is thought that it will be quite sufficient to raise it to £11,000,000 instead of £12,000,000. Deducting, then, the £5,000,000 loan, £1,000,000 new taxes, and £1,000,000 saved by raising the cash balances only to that extent, the sum to be made good is only £4,500,000. Viscount Canning puts it at only £4,000,000, but whether he or we are right it will be safer to take the higher calculation. We shall have also to meet the demands made on us for prize money and compensations. By the Bill before the House it was proposed to raise £7,000,000. That sum would have left us a margin of £1,300,000, but the railway receipts have since that time increased so as to bring that margin up to £2,300,000, so that after sending out £1,000,000 of bullion there would still be a margin left on this loan of £1,300,000. It is improbable that the claims for compensation and prize money should amount to so large a sum as £2,000,000; but, assuming them to come so high, that would leave £6,500,000 to be supplied. I need not say that the payments on account of railways in progress in India are necessarily a very uncertain item (I am told that they are likely to exceed £4,000,000 this year); and there are many elements of uncertainty in other respects which may vitiate our calculations. The opium revenue is precarious, and it is impossible to speak with certainty as to the precise amount by which the military expenditure will be reduced. As accurate an examination as I have been able to give to these papers, in the absence of any precise and detailed estimate, seems to justify the course which we are about to take. I do not intend to ask the House to recommit the Bill, nor to substitute a larger amount for that already agreed to. To take at once the full sum required for the year and thus to give an assurance that no more will be required, might have a favourable effect on the market; but I hope that effect will be equally produced by the announcement which I have to make that the sum named elsewhere — £5,000,000 —as being that which we should probably still have to raise is the highest amount that will be required. I am inclined to hope that £3,000,000 will be sufficient to meet our wants; but the House will see how many points there are upon which it is impossible to speak, except on conjecture, and I should only be misleading the House if I were to attempt to name at the present moment the precise increase in the sum which has to be provided. One advantage of this course will be that the House will have an opportunity of reconsidering and rediscussing this question, which requires the closest attention, at a period and under circumstances more favourable to a minute examination. There is also the advantage that when it is seen in India that Parliament have passed a Bill of this kind, and is ready to come forward when necessary to meet the emergent demands of the Indian Government, confidence will be restored to the Indian capitalists, and possibly the necessity of further assistance may, to some extent, be superseded. Though far from thinking that the financial condition of India is satisfactory, yet, if we are to judge from appearances merely, we might think it in a much less satisfactory condition than it really is. The estimated gross revenue for the coming year is larger than in any year; hitherto, the requisition for an increase in the cash balances and the expenditure on railways do not imply any falling off in the revenue, but merely a deficiency in the Ways and Means. On a previous occasion I expressed an opinion that the forfeiture of the estates or pensions of the insurgents might come in to meet the demands for compensations, but it must be remembered that these last will probably take the form of a money payment once and for all, while the advantages of the forfeited lands will only be slowly realized. We have impressed upon the Government of India the necessity of making as large a reduction in that immense Native army which is now kept up as is consistent with the safety of the country. Ten regiments of British troops are coming home at present, and I do not doubt that a further reduction may be made to a considerable extent after the hot weather. All the information that I possess as to the new taxes is contained in the papers laid before Parliament. The subject was being considered by the Government in this country, and we were prepared to recommend an increase in the Customs' duties, which I think on the whole is the wisest course, and on which the Indian Government was disposed to place most reliance; but this financial emergency has come rather suddenly on the Government of India, and they have determined in their exigency to take the matter into their own hands. The only two taxes which will be imposed at present are the Customs' Duties and the Stamp Tax. With regard to the duty on tobacco, to which some allusion has been made, I am glad to say it is not proposed to impose it at once, without consideration and discussion. I do not know that in the present state of affairs there is any further explanation I can offer. I can assure the House that every paper and every document except, of course, private letters—every official document in my possession—has been and will be laid before the House; and with these observations I beg to move that the Bill be now read a third time.

MR. VERNON SMITH remarked that he understood the noble Lord to state that it was not his intention to re-commit the Bill for the purpose of proposing an additional loan, nor to propose an additional loan in the present Parliament. (Lord Stanley assented.) The statement of the noble Lord differed greatly from the statement made in "another place" by the Prime Minister, and the latter statement might require consideration as well as the statement of the noble Lord. He would not enter into the causes which had led to a deficiency of subscriptions by the Natives, nor controvert the noble Lord's explanation that, seeing the difficulties we were in, the Natives were waiting to know if they could obtain better terms. But, at the same time, he thought that the revenue and accounts of India were in a most unsatisfactory state. He did not find fault with anything which had been done recently, but there appeared to him to be a want of financial counsel in the Council of India, such as might fairly be expected to set right this question. With regard to the deficiency of information, it was stated in the papers presented to the House of Lords, that accounts were sent home in January, and, if so, those accounts should have been presented to Parliament. He believed he was correct in saying that before the month of May the regular accounts ought to be laid on the table of the House. He understood the noble Lord to say that not only the sketch estimate, but the ordinary accounts had not yet reached England, and that raised an additional difficulty in the way of the discussion of the question, because the accounts could not be presented to Parliament during the dissolution, and a still wider interval of time than usual must elapse before the public would be acquainted with them. The Secretary of State, writing to the Governor General and Council desiring them to do one thing and their writing home requesting him to do another, led to a complimentary and dilatory correspondence, by which the public interests were neglected and nothing done. He would suggest to the noble Lord that during his absence from Parliamentary attendance by reason of the dissolution he would have some leisure, and might devote it to the preparation of a report on the taxation and revenue of India. If a Committee of the House were appointed upon the subject which, had the Session continued, would have been proposed, they might have obtained some information. But, at all events, the noble Lord might institute a committee of his own council. It was improbable from their connections that Gentlemen in India were the best persons to carry out either reduction of expenditure or increase of taxation. What was the object of establishing a Council in England? The noble Lord said the business was continued exactly as it was conducted under the Court of Directors. If so, the whole principle of the India Bill had broken down, because the object of that Bill, as he understood it, was to take away the initiative from the Court of Directors and give it to the Secretary of State. With his power, the Secretary of State ought to say to those gentlemen, "You are meeting in Council every day and you are meeting in Committees. There are among you gentlemen of experience in India. I have also retained in my Council gentlemen of commercial knowledge merely on account of that knowledge, and I charge you to go through tax after tax, and reduction after reduction, and state to me what is the possibility of altering the position of Indian finance and raising the balance of receipts over expenditure." It might be that such a Committee would show it to be possible, and it might be they would show it to be impossible; but, at any rate, some light would be thrown upon a subject which was now more obscure than before the combination for the purpose of increased responsibility of the two authorities. He was sure the noble Lord was anxious to do justice to India, and he could do nothing better than call for a report from such a Committee and present it to Parliament. The Council could not be so overcharged with labour as not to have the time to consider the subject, and if they could not give an opinion upon different points which might be referred to them, such as the reduction of their own number to begin with, the abolition of the office of legal adviser, or the substitution of an accountant, the imposition of an income tax, and the reduction of the salaries of the civil servants, they were not worth their salt. He should have been perfectly willing to agree to an increase in the amount of the loan, as he by no means wished the Government to be put to any inconvenience, and there was no doubt that by loan the necessary funds must be raised, but, as that course would not be pursued, he should not further trespass on the attention of the House.

Mr. W. VANSITTART said, that at the conclusion of the interesting discussion on the dissolution, not expecting the debate on the India Loan Bill to come on, he went away, and penned an address to his constituents, which would be found on the walls of Windsor the next morning. Having performed that duty he accidentally sauntered down St. James's Street, and on reaching his club found from the telegraphic messages that this Bill was under discussion, and therefore hastened down to take part in the proceedings. He found from letters and accounts that he had received from India that it would be necessary to raise £5,000,000 in addition to the £7,000,000 it was now proposed to raise. However, some Gentlemen might be opposed to the system of an Imperial guarantee that subject must come under consideration before long. From what he had heard from India it was at present impossible to borrow there even at 5½ per cent. A loan at 5½ per cent had been opened at Calcutta, but it had failed, and Viscount Canning could not get money on those terms. England, in conjunction with France, had not long since raised a loan of £5,000,000 for the Ottoman empire. Now, what was the Ottoman empire to England compared with India? He thought that India had a fair claim on England at a moment when she had just emerged from so foul a rebellion. He was satisfied that India wanted £12,000,000 at the present moment. The Earl of Derby said so in the other House, and if the noble Lord (Lord Stanley) had done wisely he would have gone boldly into the English market, asked for £12,000,000 at 3½ per cent and then lent it to India, without pledging himself one way or the other on the question of an Imperial guarantee for Indian loans. By such a course the noble Lord would have saved India a sum of £240,000 per annum, and need not have compromised either himself or the House with regard to the Imperial guarantee. There was, however, another great question connected with Indian finance, and he was glad to see the hon. Member for Birmingham (Mr. Bright) in his place, as this was a subject in which that hon. Gentleman took a deep interest. If England refused to acknowledge all responsibility for the public debt of India, it stood to reason that she had no right to dictate to India how she should raise her revenue, and what customs, excise, and import duties she should impose. If that was the case what became of the agitation about the repeal of the opium duty and the salt tax? Until there was an Imperial guarantee, England must not interfere in the raising of money for India. Then as to reduction of expenditure. Indian finance was in rather a shaky state, but he was satisfied that things would right themselves in a few years, if peace were preserved. What he should like the noble Lord to do would be to turn his attention to improve the whole police of India upon the plan introduced by his old Haileybury friend Mr. Robert Montgomery. A great reduction of the Native army would thus be practicable. He knew the Natives in India, and he felt satisfied we could never hold India without a European force. The severity of the revenue laws in some points ought to be relaxed, and the costly and useless Legislative Council ought to be remodelled. That Council was established by the right hon. Gentleman (Sir Charles Wood), and a most awful failure it had been. The noble Lord ought also to expedite the construction of railways and encourage the settlement of Europeans in India. He would recommend the noble Lord to sell the premises in Leadenhall Street. There were five or six acres of land there, which, with the building, would bring in, he was told, £350,000. The next step should be to reduce the Council of India from fifteen members to nine. He would not interfere with the present dear old creatures, but he would not fill up their places as vacancies occurred. He understood that the whole business of the Council was at present transferred to three committees of five each, and if each committee consisted of three members it would be quite enough. Then he would at once amalgamate the Supreme Court and the Sudder Dewannee and Nizamut Adawlut Court. There was a Committee now sitting on India of which he was a member, but they were all at sixes and sevens, and it would be some time yet before they reported to the House. He believed that if the reforms he had indicated were carried out the Natives of India fully appreciating our good intentions, would acknowledge that a wiser, more powerful, and beneficial Government they could not possibly have.

Mr. CRAWFORD said, it had been his intention, on the Motion of which notice had been given by the hon. and learned Member for Devonport, to have offered some remarks on Indian finance, and he thought the present a legitimate opportunity of doing so. The noble Lord had stated three grounds on which the supply of money on loan was withheld, and particularly that it was not a want of confidence in Indian finance that prevented the Natives from contributing to raise the loan now asked for, but an impression that the longer they kept off the better terms they would obtain. He (Mr. Crawford) did not think so, but he believed it proceeded from an entire mistrust in the financial policy of the Government originating in the measures taken by the right hon. Gentleman the Member for Halifax, in 1853. He would remind the House of the peculiar nature of the Indian debt. The practice of the Indian Government had always been to maintain what was called an open loan—the officers in charge of the different treasuries receiving from the public such sums as were offered to the Government on loan, at rates of interest uniform at the time, but varying with the state of the market. When the revenue was in excess of expenditure, then money was received by the Government to pay off debt, at a high rate of interest; but when the revenue was deficient, it was necessary to make it up by loans, and the rate of interest was in accordance with the existing state of things. The result of this practice during the last few years had been this. When the new charter was conferred on the 1st of May, 1854, the amount of the public registered debt of India was £30,195,000, and on the 1st of May, 1856, it amounted to £44,028,000. The increase was caused in this way. A sum of £53,940,000 of new debt had been contracted, from which a deduction of £12,000,000 of the old debt was made, and £28,000,000 of the old debt was transferred to the new debt at a lower rate of interest. The interest upon the former sum was £1,541,000, or at the rate of about 5⅛ per cent; that upon the latter was £1,777,000, or at the rate of 4 per cent. While, therefore, the debt had increased about £13,800,000, the charge for it had increased only about £230,000. This might seem to be matter for congratulation, but he believed that the reduction of the interest in the year 1854 to 4 per cent had occasioned great discontent among the Natives of India—a discontent which had weighed on them ever since, and had been greatly aggravated by the course which had been adopted by the Government since the month of November last. The right hon. Gentleman the Member for Halifax on the 8th August, 1854, stated that on his accession to office he had sent out directions to the Governor General to proceed at once to reduce the whole of the 5 per cents to 4 per cent. The right hon. Gentleman also stated that in 1849-50 there was a surplus revenue of £520,000, and that in 1851-52 it was £626,000, but he also said, that in the year to which he was referring there was a deficiency of £1,500,000, and yet he was bold enough to order a reduction on the interest of the debt from 5 per cent to 4 per cent; though at the same time he went on to say that there was no prospect of any material reduction of the deficiency. He (Mr. Crawford) said, therefore, that there was no justification of the reduction of the rate of interest from 5 to 4 per cent. The public, however, necessarily submitted to the great loss occasioned by it. Soon after a notice of a loan was issued called the "Public Works Loan." People at first supposed that the object was really the promotion of public works, but they soon found out that the real object was to supply a deficiency of two years amounting to £1,500,000, and a similar sum to pay off in cash the dissentients to the reduction of the rate of interest on the debt. What he wanted the public to know was this, that in the mind of India there had been created a feeling of great distrust in the financial policy and measures of the Government of India, and that distrust still existed. He now came to the proceedings of last year. In November last the public was informed that the holders of India debt could have it registered in India, and receive the interest in this country; in January notice was given that the permission to subscribe partly in the paper of existing loans would be withdrawn on the 20th of April, and at the same time Treasury bills, similar to Exchequer bills in this country, were offered to the public at an interest equivalent to 5¾ per cent. So that at a time when it ought to have been the policy of the Government to uphold the value of their securities in the market, they adopted measures which had a precisely opposite effect. The only redeeming feature in the matter was the intimation that the Government of India was wisely appealing to the population of India. He regretted that that step had not been taken earlier, and that in the proclamation in which it was made public a higher tone had not been taken. He would himself have stated exactly the circumstances in which the Government was placed, and would then have called upon the Natives to come forward to its assistance. There was another matter connected with the management of these affairs to which he wished to advert—he meant the singularly inopportune moments which the Government of India took for arranging its loans. The finance arrangements of India proceeded from the Supreme Government at Calcutta; and they showed great ignorance of circumstances connected with the other side of India. There was a very large number of Natives possessed of money in the market on the western side of India, and yet the finance arrangements were made without reference to the circumstances connected with the western side. The two great commodities in which the funds of the mercantile community of western India were engaged, were opium and cotton. It required three or four millions to set the opium crop in motion in Malwa, in the month of October, and it required no less a sum for the purposes of the cotton crop, and to bring it down to Bombay early in the year, as it must be shipped before June. If so large a sum was required for these purposes, it was evident that any demand on the part of the Government which disturbed these arrangements, must necessarily act on the markets in Bombay, and if loans were called for, the commercial rate of interest was necessarily raised. That was the case now. The rate of discount in Bombay was now 14 per cent, and all this arose from the Government at Calcutta concluding its financial arrangements without reference to the state of affairs on the other side of India. The right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) had alluded to the propriety of some person skilled in finance being appointed to an official position in India. He (Mr. Crawford) understood that a suggestion of that kind was made to the Court of Directors two years ago, but was rejected by them. He regretted it, for he believed that an appointment of that kind of some person of large financial experience would be most useful. If it was necessary to have a Governor General at £25,000 a year to represent the policy and the dignity of the Government, a Commander in Chief at £17,000 a year to represent the army of England, and a gentleman at £10,000 a year as the representative of the legal profession in the Legislative Council, it was equally necessary to send out some person to take charge of financial matters. The right hon. Gentleman the Member for Northampton had made a suggestion that a financier should be substituted for a lawyer in the Legislative Council, and he (Mr. Crawford) concurred in that suggestion. With regard to railways, the noble Lord had called attention to this subject, which was of considerable consequence at this moment. The noble Lord seemed to expect that the wants of India as regarded the Government in this country would be met for the present year by a payment of £4,000,000 on account of railways. It might be some satisfaction to the noble Lord if he (Mr. Crawford) stated that to-morrow he would have the pleasure of sending him a cheque for £1,000,000 on that account, and in the course of a few days he would have to send him another, not, perhaps, for so large an amount, but still for a considerable sum. The noble Lord would thus have about half the sum which he expected from the railway companies. He had before him an official statement of the condition of Indian railways up to January, 1859, which was read before the Society of Arts by Mr. Watson. According to his statement, the whole length of railways sanctioned in India was 4,847 miles, of which 559 were now open for traffic, and by the end of 1861 no less than 3,000 miles more were expected to be opened. The whole amount of capital which the Government of

India had guaranteed was £40,000,000, of which £19,000,000 was paid up and £21,000,000 was still required by the different railway companies for the construction of their lines. The two principal lines were the East Indian Railway and the Great Indian Peninsula Railway. The former company had a capital of £10,000,000, and the latter a capital of £8,000,000. Of the whole £10,000,000 of the capital of the former, only 2¾ per cent had been raised on the shares in India, while 97¼ per cent was raised in this country, although the shares were open to subscription in India as well as here. The proportions were somewhat different in the case of the Great Indian Peninsula Company, for 93 per cent had been received here, and 7 per cent in India; while in the case of the Madras Company the whole paid-up capital had been received in this country. It might be said that of the entire £19,000,000 of paid-up capital, 96 or 97 per cent had been received in England, and the remaining 4 or 3 per cent in India. But there was still £21,000,000 to be raised, and, assuming that it would be received in the same proportions, no less a sum than £20,000,000 must be looked for in England, and only £1,000,000 in Indian. The expenditure of the East Indian and the Great India Peninsula Companies had been in the proportion of 55 per cent in England, and about 45 per cent in India, and, applying those figures to the remaining £21,000,000, about £8,000,000 or £9,000,000 would have to be spent in India, and the other £12,000,000 in England. The Secretary of State might feel assured that he would obtain from the railway companies a sufficient sum to enable him to meet his charges. The money market of England professed to be able to supply the money required to pay for this expenditure, but not to supply what was required for loans for the Government of India. He had read with great interest and attention the despatch of 19th January, which had been laid on the table, and he had listened with equal attention to the noble Lord on that evening, and he was bound to say that he could not regard the affairs of India with the despondency with which they were generally viewed, but he was bold enough to look at them in a financial point of view with great confidence. The revenue had not diminished even during the troublous times of the rebellion, and it had now rather increased. The whole question therefore resolved itself into one of expenditure, and seeing how largely military expenditure entered into the question, it lay with that House to prevent great burdens being imposed on our Indian finances. There was a feeling of uneasiness in the public mind at hearing that attempts were being made in high quarters to charge Indian revenue with the maintenance of a great military force. It had been stated that twelve batteries of artillery were about to be sent out; and it was at a time when the war was over, and all the arms of the people in the revolted provinces seized, that this large force was being sent out at a great expense to be saddled on the revenue of India. Plausible reasons however might be adduced for this course, and such had been offered, but he was afraid that the principal object was to increase the influence and patronage of the Horse Guards. He hoped, at all events, that the attempt to increase the European army unnecessarily at the expense of India might not succeed. When it was considered how greatly the exports and imports of India had been increased in the last few years, the condition of the country must be commercially good, and therefore he did not look with any despondency at the future of its finance, believing as he did that the only question was one of expenditure. With regard to an imperial guarantee, he was not prepared at present to give his concurrence to such a proceeding. He could not conceive how this country could become responsible for the debt of India without greater control being exercised over Indian expenditure by vote and estimate in that House; and he hoped the time was not come when that House would interfere so minutely with the affairs of India. There was an item in the despatch of 19th January, of which, perhaps, the noble Lord would give an explanation. Under the head of charges for each Presidency there were items under the head of "profit and loss" which amounted in the whole to £150,000. He did not understand how such an item of charge arose. There was one other subject to which he wished to call the attention of the House. The right hon. Gentleman below him (Sir Charles Wood) in 1854 stated that instructions had been sent out to the different Presidencies desiring the accounts to be framed upon a new model, and that he hoped in the next year to lay on the table of the House accounts of the trade and navigation of India. Those accounts had not yet been presented, and he thought he might do the public some service by pressing on the noble Lord the expediency of having them regularly laid on the table of the House. He repeated that he looked with great confidence to the future of India. The noble Lord had seen by his statement how much the public in this country must be relied on for means to complete the railways in India; but he must assure the noble Lord that if the practice of the Indian Council to sanction every scheme that comes before them, however desirable it may be in itself, was to continue, they would, to use a homely expression, soon kill the goose that laid the golden eggs. At the present moment the guarantee of the Indian Council was barely sufficient to maintain the stock of the railway companies above par, and as long as that was the case, it would be difficult for the noble Lord to attract towards India the amount of money necessary for large public works.

SIR CHARLES WOOD said, that thinking as he did that there was no more serious question for the consideration of the House and Government than the present state of Indian finance, he was glad to have the present opportunity of stating his views on the matter, because, in his opinion, no time should be lost in taking measures more efficient than had yet been adopted for equalizing the revenue and expenditue of that country. Before he went into that question, however, he must be permitted to refer to what fell from the hon. Member for London with respect to the measure for which he (Sir Charles Wood) was to a certain extent responsible—the reduction of the interest of the 5 per cent Indian loan to 4 per cent. He had not the least objection to take the whole of the responsibility which ought to lie on his shoulders in that respect; but considerable difference would be made in the consideration of that question by a reference to the dates at which the orders in respect to the matter were given, and when the subsequent transaction occurred the hon. Member for London had omitted the dates. In looking through the Parliamentary paper, showing the variety of loans raised in India, it would be found that the processes were not quite so simultaneous as the hon. Member seemed to suppose, but that there was a considerable interval between the first and last transactions alluded to. He became President of the Board of Control about January, 1853, and it so happened that the Indian Government, seeing that they had a surplus of £500,000 for three successive years, did in January, 1853, take on themselves the responsibility of commencing the operation of reducing the 5 per cent loan to a 4 per cent loan. It was quite true that, very soon after his accession to office, he sent directions to India entirely approving of what they had done, and urging them to continue the same operation. This reduction was to be carried out in the early part of 1853, and in September, 1853, the 4 per cent. loan was closed, and in October, 1853, a 3½ per cent loan was opened, to which a certain sum of money was subscribed, showing that at that time the prevalent rate of interest in India was under 4 per cent. He could not quite understand on what principle that operation was impeached. Was it to be said that it was not desirable, if they could, to reduce the rate of interest payable on the public debt? At the time this operation was commenced there had been a surplus averaging half a million for three successive years, and there was then no prospect of an increase of charge or a diminution of revenue. The Indian Government, therefore, with the entire approbation of the Home Government, undertook an operation which in this country had always been regarded as a most desirable and advantageous course. It was effected in the spring and summer of 1853, and the decrease of charge consequent upon this reduction of interest amounted to half a million per annum. The state of Indian finance had been a source of anxiety to every Government for the last twenty years; and a saving of this amount in the expenditure of India was a measure surely undeserving of the censure cast upon it in that House. Such a saving had not been made for many a long year before, and he should be glad to see a similar reduction effected in future. It was true that in March, 1855, a change of circumstances occurred in the money market at home and in India, occasioned by the war; and the Indian Government then finding it necessary to raise a loan, were compelled to increase the rate of interest to 5 per cent. That fact, however, did not furnish the slightest ground for impugning an act of the Government two years before, which was perfectly legitimate at the time; and he could see no reason, looking at the large sum which had been raised in India up to January last, for supposing that the credit of the Indian Government had been affected by what was done in 1853. He would not refer to what had just been said with regard to the Indian railways, except to observe that in point of fact that subject had not much to do with Indian finance. Taking all that had been stated on this point to be true, it only amounted to this, that if the sums to be received in this country from the various companies went for the payment of the home charges, the necessity of remittances from India would be obviated. An equal sum would have to be applied from Indian revenue to railroad purposes in India instead of being applied to public purposes, and their payment in England would make no difference in the expenditure and income, the relative balance between which would remain unaffected.

The Member for London talked of paying in a million to the Home Treasury; but of this sum one quarter at least would be required to pay the July dividend to the shareholders in this country. He now came to what was the real question of Indian finance. He did not differ from the hon. Member for Windsor as to the reductions which he thought desirable. He had before expressed his concurrence in the opinions now expressed by the hon. Gentleman, but after all they only applied to a reduction of some ten or twenty thousand pounds, and if they were to accomplish any effectual reduction of expenditure in India, they must deal not with tens or hundreds of thousands, but with millions. He had been told not many weeks ago that he had taken far too gloomy a view of the financial prospects of India, but a despatch from the Indian Government, which had been recently published, presented an infinitely worse picture than anything he had ventured to sketch. He had not said one word on this matter that he did not believe to be true, or which could not be demonstrated from the figures before them at the time; but nothing that he had said came near the facts which were disclosed in these despatches. In a recent debate, several Gentlemen had expressed unbounded confidence in the future increase of Indian revenue. He did not quarrel with those who had anticipated a great development of the resources of India, and a consequent further increase of its revenue. All this, however, was mere matter of conjecture, and afforded no certain *data* on which any calculations could be based. But when hon. Gentlemen, professedly founding themselves upon the experience of the past, had contradicted the noble Lord's statement, and his own also as to the inelastic nature of the Indian land revenue, he begged entirely to differ from them. On hearing the statement, he had at first mistrusted his own judgment in deference to the high authority of the hon. Gentleman who said so. On subsequent examination, however, he found that his previous opinion was perfectly borne out by the facts. In the year 1850-1, the land revenue amounted to about £17,053,000, while in 1856-7 it was £18,658,000. The increase between these two periods was £1,600,000. But the same accounts showed that this result was mainly due to the addition of the land revenue of the provinces annexed since 1851, the item for which was £1,500,000. Taking, therefore, the most favourable view of the case, the augmentation of the land revenue derivable from other sources than the annexation of new territory was only £100,000 between the years 1850-1 and 1856-7. They could not, then, expect any large increase of revenue under this head for many years to come. But, passing now to the statement which they had heard from the Secretary for India, he thought the noble Lord had under-rated—and, perhaps, naturally so—the real gravity of the position of Indian finance. There was another respect in which he had been greatly disappointed by the noble Lord's explanations. He could not understand how it was possible for the noble Lord to make the statement he did, not six weeks ago, on the state of the finances of India, and not even allude to this startling deficit of £11,500,000 which they now heard of for the first time. He could not suppose for a moment that the noble Lord had wilfully concealed that which he knew to be the case; but he must say, that wherever the fault lay, whether with the Government in India or with the Government at home, it was utterly impossible that this serious deficiency should have escaped their notice until it was discovered all at once. It was absurd to suppose, that the probability of a deficit in India should not have been known before the despatch from India of January last. How came it that when the noble Lord asked them for a loan of seven millions there should have been beyond that amount as stated in this despatch, an expenditure of eleven-and-a-half millions in excess of the revenue? Could anybody believe that either the Home Government or the authorities in India could have been so long unaware that it was probable there could be this heavy deficit in the finances of India, to which the noble Lord in his recent exposition never alluded? Having thought it unlikely that there should be no deficit, he had himself put a question a few days ago to the noble Lord. Not a single syllable, however, did the noble Lord say on that occasion on this subject; and it was now incumbent on him to explain why this important fact had been wholly excluded from his previous statement. He would shortly refer to the deficits of recent years. In the years 1857-8, the deficit was £9,304,000. In 1858-9, £12,600,000. The noble Lord had stated the deficit of last year at rather a larger amount than he gave for it on a former occasion; namely, at £13,000,000. For the year 1859-60, the Home expenditure had to be provided for by the loan of £,7000,000, which was the subject of the Bill now before the House; and we had recently learnt with astonishment, that beyond this deficit of £7,000,000, there was a further excess of £11,500,000 in the expenditure in India to be provided for. The noble Lord had said, that some of this excess arose from railway expenditure, but on the other hand it did not include the sum due for prize-money, which was said to be £4,000,000, or the sum due for compensations, and therefore he thought we might be well content to take the statement of Indian finances as the Indian Government gave it. The whole expenditure for 1859 was estimated after the proposed reductions at £53,435,000, and the whole income, including the estimated increase at £45,692,500. (This was taking the rupee at 2*s.*) The deficiency was therefore £7,742,500. To this sum was to be added £3,135,000 in order to increase the balance up to the amount which the Indian Government thought it right to have in their treasuries, and £562,500 to pay off some Tanjore debt, which ought not perhaps to be included in the current expenditure. No doubt means must be provided for these demands, but there was a deficiency on the current expenditure alone of £7,742,000 beyond the £7,000,000 that had been already borrowed. How was this deficit to be met? It appeared to him that in its financial operations the Indian Government had been very unsuccessful. It began by announcing in January the closing in May of the arrangement for converting the 4 per cent paper, with an equal amount of cash, into 5 per cent paper, accompanied by an issue of Teasury bills, bearing interest at 5¾ per cent. This did not answer. On the 10th of February it reduced the amount for which Treasury bills could be issued to £20. The consequence of these measures was a complete panic. The 5 per cents fell from 93 to 85, and were unsaleable at 15 per cent discount. On the 22nd of February they announced the opening of a 5½ per cent loan in May, and having failed to obtain money on Treasury bills at 5¾ per cent, they then issued similar bills at 4¾. Having failed to raise money by bills at 5¾ per cent, how they expected to get any on similar bills at 4¾ passed his comprehension. In regard to the revenue they anticipated a probable diminution of that from opium, and no material increase of the existing custom duties. What steps, then, were taken to meet the deficiency. They proposed to raise £1,000,000, by additional customs and stamp duties, they hoped to get £5,000,000 by the 5½ per cent loan, and for all the remainder of the £11,500,000, they threw themselves upon this country. Such was the financial state of India for the year 1859–60. During the present year military operations would be to a certain extent going on, and it was not to be expected but that it would be necessary to raise money by loan to pay the expenses of them. But he must look forward to the period when it was to be hoped that the war would have altogether ceased, and we must see what were the financial prospects held out for 1860? Taking the revenue at what it was estimated to be for 1859–60, and the expenditure at the sum to which it was proposed to reduce it, the account would stand thus:—Expenditure, £53,435,000; income, £46,692,500, leaving a deficit of £6,500,000, exclusive of home charges. The home charges for the last year of peace were £3,500,000, and taking them only at £3,000,000, there would be a deficit in the year 1860–61, of nine millions and a-half to be dealt with after the proposed increase of taxation on the one hand, and the proposed reduction of expenditure in the year 1859–60 had been made. This was the prospect for a year, as we hoped, of profound peace. What were the prospects of meeting it? He wished to urge the question at this period, because the noble Lord must begin at once to take effectual measures for reducing the expenditure, not by tens or hundreds of thousands, but by millions. At the same time it would be necessary to increase the revenue. In their despatch, the Indian Government reckoned the extra expenses of the military department at about £8,500,000,

£2,000,000 of which they proposed to strike out in the course of the present year, which would still leave an extra expenditure under this head of £6,500,000. How was that expenditure to be brought down? It was not by such reductions as were talked of in this country, or by such reductions as had hitherto been proposed in India, that the difficulty could be met. Unless an infinitely greater reduction than now seemed contemplated was effected, there seemed no possibility of bringing the expenditure within the revenue of India. It was nonsense to talk of small economies, of lopping off a Member of the Legislature in India and two councillors at home, or of saving one or two hundred thousand pounds by means of guarantees. All this was quite right, so far as it went, but it was a mere fleabite; and unless the question was dealt with in a much more comprehensive and statesmanlike manner than the Home Government or the Government in India had yet treated it, a serious crisis was imminent. It was incumbent on the House to press upon the Indian Government the necessity of effecting large reductions. He concurred in the opinion which had been expressed that a Committee of this House was not the proper mode of taking the subject into consideration. He did not say that the necessary measures could be taken in India; but the Indian Council at home was composed of men better acquainted with India than the whole of the House of Commons put together, and if they could not suggest means both of reducing the expenditure and of increasing the revenue, he utterly despaired of the House of Commons being able to do so. The House might know what taxes to impose on the people of England, but they could have no acquaintance with the feelings, the prejudices, and the interests of the people of India, all of which must be considered in dealing with this subject. Some action must, at all events, be taken on the question without loss of time. Mere general orders sent out for a reduction of expenditure would not produce much effect: the Home Government must be prepared to point out and to insist on certain definite reductions. The Indian Government might find a difficulty in revising the salaries of the servants, and of reducing the establishment, military or civil, under their control; this was a duty incumbent on the Council at home. The question was one of the most serious ever brought before the House, and he trusted that it would give rise to speedy and to vigorous action on the part of the Government. He would not now go into the question of guaranteed loans, though he entertained a strong opinion that it would be a great mistake if India were encouraged to look to this country for resources to meet increased expenditure; but he did hope that the Government would look the existing deficit manfully in the face and deal with it by much more effective measures in the way of reduction than by the mere general advice and general exhortation which were contained in these despatches.

Mr. T. BARING said, that such a discussion was calculated to make the House regret the exclusion of the members of the Council, who would have brought to bear upon it a practical knowledge and a local experience which might have corrected some of the statements which had been made, and would certainly have carried more weight than the speeches of mere amateurs in Indian finance. His right hon. Friend (Sir Charles Wood) had thought it necessary to defend his measure for the reduction of the interest, and had said that it was not only successful, but justifiable and expedient. Now, the measure might have been temporarily successful, but it was permanently unfortunate. It did not seem clear what permanent surplus of revenue there was in the treasury when his right hon. Friend attempted it; nor was he aware that there was such a diminution in the general rate of interest throughout India as would warrant such a reduction. His right hon. Friend only followed at that time the prevalent mania for the reduction of the rate of interest, and although his measure succeeded for a time it had had the effect of creating great distrust in reference to the management of the finances of India, and had thus exercised a prejudicial effect on the future conduct of those finances. To maintain confidence in matters of finance it was not only necessary that the Government should be able to meet all its engagements, but that its creditors should feel convinced that it would not avail itself of any temporary events to disturb existing settlements by forced operations, to their prejudice. Now that was what the reduction of the rate of interest did in India. The subsequent financial operations which his right hon. Friend criticised might or might not be judicious. At this distance it was rather unjust to criticise operations undertaken to meet a special exigency. As far as they could judge, the measures taken in Calcutta, constantly changing as they did, were not very wise. For success in finance two things were necessary—simplicity of system and consistency of purpose; the system must be thoroughly intelligible, and here must then be consistency of purpose in carrying it into effect. This did not seem to have been the case at Calcutta; but it should be recollected that we in England had contributed very much to the distrust which prevailed throughout India. He was not going to raise the question whether this country should not have come directly to the aid of India last year; but he was strongly of opinion that had it done so, credit would have been restored throughout India, and the Natives would have been ready to lend their money freely when they saw we were not distrustful of the resources of India. The view taken on this subject by the right hon. Gentleman last year was, he could not help thinking petty, unwise, and uneconomic. Probably with the support which the House had given to that view, the present Government were obliged to follow in the old track, and could not help adopting the same plan; but by so doing they had prevented the Natives from investing their money in Government securities, and had prevented the restoration of confidence in India. The hon. Member (Mr. Crawford) saw a remedy in the proposal that individuals should be sent from this country to put to rights the finances of India. Now, he had no confidence in the attempts of strangers to regulate the finances of another country; he should not think much of any advice given by Frenchmen and Americans as to the taxes which should be imposed on the people of this country. He should have great distrust of the report even of a Commission composed of Chancellors of the Exchequer who might be sent out to India to pronounce an opinion as to what was the system of finance which ought to be carried into effect in that country. If such an opinion were pronounced without due consideration, it would deserve to be regarded as a rash one, while, if it were the result of mature inquiry, it could not be arrived at for years after the application of a remedy for existing embarrassments in India was required. Surely, therefore, the best plan to adopt was, to leave it to the Governor General to appoint a Commission on the spot, which would be composed of men conversant with the subject which they were appointed to investigate, and not to send persons out from this country who could know nothing of it except from hearsay. But, be that as it might, it was to economy only that we ought, in his opinion, to look with a view to righting the finances of India. He, like the right hon. Baronet, should have no distrust of Indian finance if that country were but well and economically governed. The deficit which had arisen in past years in India had been occasioned by wars carried on not for the benefit of that country, but for objects of Imperial advantage. He might also observe that the small deficit which had occurred previous to the breaking out of the mutiny had arisen from the anxiety which had been evinced to contribute to the prosecution of public works. When therefore great deficiencies were occasioned by wars which, if we were wise, we should avoid, it became more than ever expedient that the expenditure for public works should be regulated in accordance with the means at the disposal of the Government. He, for one, regarded with some anxiety the disposition to guarantee these public works. It was all very well to a certain extent to contend that industry ought to be promoted and improvements carried into execution, but there was a limit even in those cases; and if some positive limit were not imposed there would be such a constant pressure on the Indian Government for further guarantees that it would be impossible to look on the continuance of a system without grave anxiety and fear as to the future. Economy could only be worked out by making India to pay only for what she wanted, and not by forcing upon her a large expenditure for the purpose of adding to our own national establishments, and our military resources. He made that remark because he had heard with apprehension a statement which was made during the discussion on the Army Estimates, and which led him to suppose that there was some intention of throwing upon India in some measure the expenses of maintaining the military establishment of England. Now, the revenue of India could only be gradually and moderately increased, and he could not help thinking that some saving might be effected in the cost of its collection. But we could not, he believed, levy taxes upon the inhabitants of that country without consulting Native prejudices and feelings, and it was in that case difficult, he thought, to say how these burdens could be laid upon them with either wisdom or success. It was after all, then, to retrenchment of expenditure—and that must be effected in connection with the army—that we must look for the adjustment of Indian finance. The system of double government no longer existed to act as a buffer to stop the pressure which from time to time was put upon the Government at home. It now fell upon a Cabinet Minister, who could not always resist it. There was, therefore, great danger that he would yield to that pressure, and throw that expenditure on India which, if borne at all, ought to be borne by England. The only course now open to the House was, in his opinion, to adopt the measure of the noble Lord the Secretary for India, and if for the future economy were practised in the management of the finances of that country he should entertain no fears with regard to the result. He must at the same time observe that he could not help feeling that an opportunity had been lost last year of transferring for a time to India the benefit of the national credit—an opportunity which if it had been seized upon might have been productive of great benefit to that country, while England would have lost nothing by the proceeding.

Sir GEORGE LEWIS said, the hon. Gentleman who had just spoken, and whose opinions on financial subjects were entitled to the utmost attention, had expressed it to be his belief that a portion of the existing financial embarrassments of India had been occasioned by the adoption of the course which had been recommended by Her Majesty's late Government with respect to the loan which had last year been contracted for the service of that country. Now, he (Sir George Lewis) was, he must confess, totally unable to understand the force of that argument. Anybody would suppose, from the reasoning of the hon. Gentleman, that Her Majesty's late Government had recommended some novel and unprecedented scheme for the adoption of Parliament. So far, however, from that being the case, they had simply pursued the invariable course of practice on such subjects. There never had been a time when the Exchequer of England had come to the assistance of the Exchequer of India. On the contrary, an attempt had at one time been made to exact from India a tribute to the English Exchequer. The expenses of Indian wars, moreover, had at all times been defrayed by the Indian Treasury from money raised in India, and whenever it had been found necessary to raise money for the service of the Indian Government in England, it had been raised by means of Indian bonds, under the authority of an Act of Parliament. The course, therefore, which Her Majesty's late Government had recommended the House of Commons to adopt, was one which up to that time had been uniformly pursued. But, if there had then been any difficulty in obtaining the proposed loan; if it had been obtainable only at a high rate of interest, there would have been some reason for contending that the credit of the Indian Government had been injuriously affected. The fact of the matter, however was, that the bonds, being 4 per cent bonds, had been issued nearly at par; so that it was perfectly clear that the loan was obtained on terms not very far from being as advantageous as those on which even the Imperial Government could borrow. Indeed, he apprehended that if the French or Russian, or any other of the continental Governments, whose credit stood highest were to issue 4 per cent debenture bonds, those bonds would not stand as high as 98 per cent. It therefore appeared to him that the hon. Gentleman who had just spoken, so far from proving his case, had failed in showing that any connection existed between the high rate of interest in Calcutta and the issue of Indian debentures last year in this country. So far as the notion that there was any insurmountable difficulty in the way of granting assistance to the Indian Treasury from the Imperial Exchequer was concerned, he could only say that the obstacle was purely imaginary, provided only that it was shown to be expedient that such aid should be rendered. What he objected to, was the principle of confounding the two Exchequers; of granting a loan, in other words, for public works or similar projects for the benefit of India at the expense of the English Exchequer. But, if it could be shown that the late mutiny had imposed upon the Indian Government an expense that might fairly be considered to have been incurred rather for the promotion of the interests of this country than of India, and if it were proved that no additional taxation could reasonably be imposed to defray the current expenses of the Indian administration, then undoubtedly a case might be made out for assistance from the English Exchequer. Let such a case be made out, and there would be no difficulty in treating it in accordance with recognized financial rules; but it was, he should contend, an entire misapprehension of the present embarrassment to suppose that it was in any way connected with the loan which had been contracted for the service of India last year. The existing pressure on Indian finance was the result of the late mutiny, and the real difficulty which now beset it was that of bringing the expenditure of India within its revenue. For his own part, he should not hesitate to express his conviction that it was imperative upon the noble Lord the Secretary for India and his Council, to cause the Government of India to understand that it was incumbent on them, by some means or other, so to shape their administration as to secure that the ordinary revenue would meet the expenditure. Unless the present state of things could be remedied the possession of India by this country would cease to be possible. That House, as the representative of the people of England, could not contemplate a state of things in which they should be called upon to vote £4,000,000, £5,000,000, or £6,000,000 annually as a subsidy for the maintenance of that which was called a valuable dependency of the British Crown. He had no doubt that if it could be shown that an extraordinary assistance was required to meet an extraordinary emergency, that House would always be ready to take a reasonable view of the matter, and to do what such an emergency might require. But he must repeat his conviction that it was the duty of that House to enforce upon the Executive Government, in whatever hands it might be, the necessity of its teaching the Indian Government that means must positively be found within no very distant time to bring the ordinary expenditure of India within the amount of its ordinary revenue. It might be desirable that the House should have some more distinct statement than they had hitherto received with respect to the prospects of diminishing the numbers of the European forces in India. He thought there was some misunderstanding in a former debate with regard to the precise numbers of the troops which it was contemplated to keep in India during this year. He did not himself understand precisely the force of some of the remarks which the hon. Member for Huntingdon (Mr. Thomas Baring) made as to the danger of an English Minister imposing an unnecessary amount of troops upon India, and the pressure to which the Secretary for India would be subjected from the Horse Guards upon that subject. He could not see how the military department of this country could have any interest in imposing upon India a greater military force than the authorities had asked for, or than was necessary for the maintenance of our power in that country. He could hardly conceive, whatever might be the patronage to accrue from it, that there would be any disposition on the part of the War Department to maintain such a force, or to force it upon the Indian Government contrary to that Government's inclinations, merely for the sake of increasing the army in India. His own experience assured him that the War Department had great difficulty in recruiting the large number of men necessary to supply the troops in India. He should therefore think that the Horse Guards would be glad to receive information that it would be in the power of the Indian Government to spare some regiments to send to this country. However that might be, it was not desirable, looking at the present state of Continental Europe, and the balance of power in Europe, to maintain a body of men equal to 90,000 of our army in India. It was of great importance that, so soon as the state of India would permit, a considerable portion of that body should be returned to ordinary service. He hoped that the hon. Gentleman the Under-Secretary for India, who was about to address the House, would state, so far as he was able, the reduction which the Government expected to be in a position to make this year in the number of European troops serving in India.

Mr. H. J. BAILLIE said, he did not in the least complain of his right hon. Friend the Member for Halifax, (Sir C. Wood), for having drawn what he believed to be a faithful and what was, no doubt, a very good picture, of the present state of the finances of India. Nor did he complain of the exposition made by his right hon. Friend upon a former occasion. Unfavourable as were the remarks made by his right hon. Friend upon that former occasion, he (Mr. H. Baillie) very much agreed in them. But when his right hon. Friend stated that his noble Friend (Lord Stanley) ought, when he brought forward his Loan Bill, to have foreseen that the deficit in the Indian revenue would require a much larger loan than £7,000,000, he seemed to have forgotten that it was only from information recently received that the noble Lord had learnt that £7,000,000 would be inadequate. It must be perfectly obvious to every one that there was only one mode by which a reduction could be made in the Indian expenditure — namely, by a very large reduction of the European army in India. The right hon. Gentleman who had just spoken had asked him what reduction the Government intended to make in that army; but that would depend upon the views of the Commander-in-Chief in India as to the force that would be necessary. However, of one thing we might be quite certain—that unless we could reduce our European army in India to a force of somewhere about 50,000 men it would be impossible for the revenue of India to meet the expenditure required by a larger force. He firmly believed that if India were governed in the spirit of Her Majesty's proclamation, if there were no interference with the religious feelings of the people, it was possible that in the course of time we might maintain India by a European force of 50,000 men, backed up by a well-organized Native army, for we must always depend in a great measure on a Native army, as it was by far less expensive than a European army. If India could not be thus maintained we had much better give up that country. The course pursued by the Government would be to desire the Governor General to ascertain what reduction might be safely made, and to effect such reduction at once.

Colonel SYKES said, our prospects of Indian finance were, no doubt, at present exceedingly gloomy, and our prospect of improving the Indian revenue was not satisfactory. But to increase that revenue by increasing the land taxes would be to subvert the system we had pursued in India during the last thirty years, which was a system of constant reduction. That mode, therefore, of increasing the revenue was entirely out of the question. It had been said that there was a prospect of the Indian Government losing from £3,000,000 to £5,000,000 per annum of the opium tax in consequence of China cultivating opium for her own population; but inasmuch as about one-fourth of that population had to live upon the waters, as they had no land to cultivate, it was extremely improbable that any part of the soil of China would be devoted to the growth of a luxury. We were in much more danger of losing the opium revenue by the efforts of a body of most amiable philanthropists on this side of the water. He, however, did not think that the good sense of this country would permit those efforts, however well meant, to injure the interests of India. It had been said that the deficiency in the Indian revenue might possibly be remedied by an increased taxation on exports, but all political economists knew that precisely as they imposed taxes upon exports they placed a check on the productive power of a country. There was, he thought, very little hope of much increase either from an export tax or an import tax, and the latter would not only be highly unpopular, but would fall from the articles enumerated, beer, wines, tea, &c. chiefly upon Europeans. It was said that an additional revenue might be obtained from the Excise duty upon spirituous liquors and drugs, but that would yield, comparatively speaking, only a trifling amount. Works of irrigation might no doubt in a few years prove productive, but nothing could be expected from that source for some time to come. What, then, was to be done? They wished to diminish expenditure, but it seemed to him that they were continually throwing obstacles in their own way. For instance, while they desired to limit expenditure, the Estimates showed that they were about to send twelve batteries to India, consisting of seventy-two guns, with all their *matériel* and stores, and requiring 3,000 men, probably, to work them, when there was not a fortress to reduce or an army to meet in the field. Those 3,000 men would have to go into cantonments, for there were no proper barracks to receive them, and they would swelter away their lives in disease. Another obstacle which they placed in their own way was that bugbear about responsibility for the money advanced to India. There could be no doubt that that money was advanced for Imperial purposes, to enable us to maintain our hold upon India. Was it not, therefore, more just, more reasonable and honest, that the country for whose advantage the money was raised should be responsible for it in case of an emergency which was not likely to arise, but which might come. He held in his hand a letter from Sir James Outram, received by the last mail, in which Sir James said,—

> "You will see that they have taken to issuing Treasury Bills, but it is doubtful whether that step will produce any great return. The Natives have got it into their heads that the Queen is not bound to recognize the Government securities of the late Company, and unless a national loan for India is opened in England our Indian paper will be still further depreciated. That measure will disabuse them of the suspicion that the Indian and the home Governments are not identical, and would at once raise the value of our Indian 5 and 4 per cents."

What were our prospects for the future? It was quite impossible that the Indian finances could ever right themselves while there was in that country an European army of 106,000 or 108,000 men. Two of the best authorities on Indian subjects had laid it down in official reports, but at present only in private circulation, that 40,000 British troops would be sufficient for the maintenance of our power in India, for India never before was so prostrate as now. That was the usual amount of the European forces in that country before the mutiny. The only way, therefore, was to reduce matters to their normal condition before the mutiny, and meanwhile to let India go into the money market for loans upon the same footing as the Imperial Government, and then it would be found that Indian resources would be still equal to their engagements as they were before the present state of things arose.

Sir HENRY WILLOUGHBY observed one thing was quite clear, that unless we could limit the military expenditure of India the insolvency of Indian finance was inevitable. At the present moment we had 93,000 British troops in India, the entire expense of which, as well as of their depôts in this country, was placed upon the Indian revenue. He thought that having so large a force of British troops in that country, it was scarcely fair that the Indian finance should bear the entire cost of those depôts. The military expenditure of India was not less than £20,000,000 sterling, an amount very nearly double the whole expenditure of the British army. How was it possible that such a state of things could last? The best course for this empire to pursue would be to take on itself a fair proportion of the military expenditure, so far as it might be regarded as an expeditionary force sent out for a particular object. It was all very well to say that England was not bound to provide for the Indian debt, but its Government had authorized the loans, and the expenditure of the money, and, therefore, if Indian finance could not meet the liability, imperial finance should do so. He should be glad to hear from the noble Lord (Lord Stanley) that the idea of sending out twelve batteries of artillery had been given up. There were 7,000 British artillery troops in India already. In conclusion he could not but express his regret that the House had but very limited information upon this question of Indian finance. It was very much in the dark upon the subject; and most of its views of the matter could only be taken as speculative and uncertain.

Lord STANLEY said, it could hardly be necessary for him to reply to the remarks which had been made, as most of the hon. Members who made them had left the House. The various questions of taxation had been, and were still being, carefully considered in Council here. No doubt their deliberations had been to some extent interrupted and superseded by the independent action taken in the exigency that had arisen by the Governor General in India; but the Government were far from wishing to throw the whole responsibility on the Indian Government. The suggested substitution of a financial for the legislative Members of Council would receive due consideration whenever a vacancy occurred.

Bill read 3ª and *passed.*

House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 5, 1859.

Minutes.]—Public Bills.—1ª East India Loan; Savings Bank (Ireland) Act.
2ª Recreation Grounds.
3ª Manslaughter.

THE DIVORCE COURT.

OBSERVATIONS.

Lord CAMPBELL said, he wished to direct the attention of the Government, and more especially that of his noble and learned Friend on the Woolsack, to certain points connected with the working of the new Divorce Court. Great inconvenience had been caused by the overcrowded state of this tribunal, and by the inadequate judicial strength now provided for the despatch of its business. The judicial power of that Court ought, he thought, to be considerably increased. Certain provisions in the Act under which that Court was constituted were, moreover, likely to operate very prejudicially to the country, and to give rise to serious abuses. It was enacted by that measure that a woman might sue for divorce on the ground of the adultery of her husband conjoined with cruelty. He opposed that provision at the time, because he believed it would be attended with great social danger; he now found that it was the practice in every case where a woman sued for a separation on the ground of adultery that she invariably added cruelty, and sought for the dissolution of the marriage. That, he thought, was a most disastrous consequence, and called for the earnest consideration of their Lordships. Another point requiring careful attention was whether the Court should not have power to sit *foribus clausis*, so that the details of cases of a certain character should not be made public. Any legislation which might take place on this important subject ought to originate with the Government, and he therefore hoped that Her Majesty's Government would take into their consideration the expediency of introducing a measure for the amendment of the existing law.

The LORD CHANCELLOR said, he quite agreed with everything that had fallen from his noble and learned Friend. With regard to the judicial strength of the Court, he thought it was an unfortunate circumstance that when the arrangement was made for the establishment of the full Court, so limited a choice of Judges should have been given. The only Judges who could form a full Court with the Judge Ordinary were the three chiefs and the three senior puisne Judges of the Superior Courts. The learned Judge Ordinary stated that it was impossible for him to get through the business which was brought before him unless he has a full Court four times a year; and the Judges named in the Act could not possibly, with a due regard to the discharge of their own special functions, give him that amount of assistance. There should, therefore, be an extension, so to speak, of the area from which a selection of assistant Judges could be made, or else new Judges should be created for that Court. He was perfectly ready to admit that the question of the judicial strength of the Court, as well as certain details of the Act—such as that which enabled a wife to obtain a separation not only for cruelty but for desertion — required serious consideration; and he hoped he should, on a future occasion, be able to bring forward a measure which would effect in the existing system certain improvements that would enable it to work efficiently and satisfactorily.

Lord CAMPBELL was glad to hear the statement just made by the noble and learned Lord.

Lord CRANWORTH said, he believed that the suggestions of his noble and learned Friend near him (Lord Campbell) were well deserving of attention, and he was glad to find that the subject was to be taken up by his noble and learned Friend on the Woolsack.

EAST INDIA LOAN BILL.

FIRST READING.

The Earl of DONOUGHMORE moved, that the Bill be now read a First Time.

Earl GREY hoped that, on the second reading of the Bill, Her Majesty's Government would be able to state what measures had been adopted, and were in operation, for reducing the military expenditure in India. On that point he thought some explanation was required.

The Earl of ELLENBOROUGH trusted there would be no delay in passing the Bill; it was most desirable that the Bill should go out, enacted, by the mail on Monday, with the terms on which the late loan had been contracted.

The Earl of DERBY said, he would take the second reading of the Indian Loan Bill on Thursday next; it was the anxious desire of Her Majesty's Government that not a moment should be lost in passing the Bill. He should therefore on Thursday move that the Standing Orders be suspended, that the Act might receive the Royal Assent before Monday next.

Bill read 1^a. To be read 2^a on Thursday next; and Standing Orders Nos. 37 and 38, to be considered, in order to their being dispensed with.

RECREATION GROUNDS BILL.

SECOND READING.

The Earl of SHAFTESBURY moved the second reading of the Bill.

Lord WYNFORD objected to one of the clauses in the Bill which would have the effect, he feared, of giving to tenants for life facilities for alienating property, to the injury of the rights of reversioners and remainder-men.

The Earl of SHAFTESBURY said, that it was not intended to act upon this clause, except upon a special petition being presented.

After a few remarks from Lord Redesdale and Viscount Dungannon,

The LORD CHANCELLOR said, that the only object of the clause was to permit dispositions of property for the special purposes of this Act, without its being necessary to comply with the provisions of the Statute of Mortmain.

After some further remarks from Lord Wynford,

Bill read 2ª (according to order), and *Committed* to a Committee of the whole House on *Thursday* next.

House adjourned at half-past Five o'clock, till Thursday next, half-past Ten o'clock.

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HOUSE OF COMMONS,

Tuesday, April 5, 1859.

Minutes.]—Public Bills.—1° Maidstone Waterworks.
3° Public Offices Extension; Indemnity.

PRIVATE BUSINESS.

QUESTION.

Colonel **WILSON PATTEN** said, he wished to put a question to the right hon. Gentleman who holds the position of Chairman of Committees with respect to the Private Business of the House. Many hon. Members now serving on Committees on Private Bills felt the necessity, under the present circumstances, of going into the country; and it would not be at all convenient to detain them longer than was necessary. The question therefore, he had to put was whether the right hon. Gentleman was prepared to move on the present occasion a Resolution of a similar character to that he moved previous to the late Dissolution of Parliament, to the effect that Private Bills might be taken up in a future Session of Parliament at the stage at which they were dropped in the present. He wished also to know whether there was any objection to permitting Committees on Private Bills to defer the consideration of any further Bills in the group except those actually under discussion.

Mr. **FITZROY** replied that with reference to the first question he was prepared to submit to the House in the course of a day or two a Resolution similar to that which he moved prior to the Dissolution of 1857, with the exception of some slight alteration which had been made in the standing Orders having reference to the subscription contract. With reference to the second question whether he should be prepared to move that no further proceedings should take place respecting any Private Bill beyond those under discussion, he should not do so unless it was for the convenience of hon. Members, because in many groups the Members of the Committee were prepared to continue their proceedings with respect to all the Bills in the group. If such should be the determination of any Committee it would be for the convenience of all parties, and save great expense with respect to witnesses, &c. It was not, however, for him to make any suggestions to Committees with respect to matters under their own consideration, and he should therefore be perfectly prepared to propose a Resolution to the effect that when it should appear to the Committee right that no further proceedings should be taken on Bills before them they should have power to report the same to the House, and that no further proceedings should be taken upon such Bills would be provided for in the subsequent Resolution he should move.

THE PHŒNIX SOCIETY TRIALS.

QUESTION.

Captain **D. O'CONNELL** said, he would beg to inquire of the noble Lord the Secretary for Ireland, in the absence of the Attorney General, if it be a fact, as stated by the Irish Papers, that at the late Trial at Tralee of Daniel Sullivan, accused of being a member of the Phœnix Society, the eleven Roman Catholic Jurors who were called and answered were directed to "stand by" by the Crown, and that one of the persons so excluded was a magistrate of the county Kerry, appointed by the present Lord Chancellor of Ireland?

Lord **NASS** stated in reply, that the only official report he had received upon the subject was that furnished by the Crown Solicitor, which was to the effect that they had called over 108 Jurors, several of whom had answered to their names; that the prisoner had challenged twenty of them and the Crown fifteen, whereupon the jury was sworn and the prisoner was put upon his trial. He did not know whether the report in the newspapers was correct or not, and therefore he was not in a position to answer that question.

PUBLIC BUSINESS.

The **CHANCELLOR of the EXCHEQUER** said, he rose to move that on this and every succeeding day of the Session Government Orders of the day should have precedence of Motions.

Mr. **SPOONER**, (who had given notice
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of a Motion with respect to the Maynooth Grant) said, that he did not intend to resist the Motion, because he was not in the habit of acting against the wishes of the House, and he was sure he would be acting against their wish were he to interpose his Motion at the present time. As, however, he was not able to bring the Motion on that night, he did not think it worth while to hold it in abeyance. He saw no opportunity of bringing it forward this Session; but at the same time he must be permitted to say that he did not think his right hon. Friend below him (the Chancellor of the Exchequer) had treated him very well in this matter. His Motion had been twice postponed in consequence of the protracted debate on Parliamentary Reform; and if he gave way on the present occasion he would say it was not because he had at all altered the opinions he had formed, but because he believed that forcing on the discussion at the present moment would do more harm to the cause than good. Indeed, if any decision were taken upon it, it could not be called a vote of the House, seeing that, as they had heard, many hon. Members were most anxious to go into the country, and no doubt many had gone already. He was convinced that the feeling of the country was that a Conservative Government ought to set their faces against a grant which was contrary to the constitution and inimical to the Protestant religion. He believed that the continuance of that grant was fraught with great social evil; that it was in complete contradiction to the oath which the Sovereign had taken; and that the country never would be satisfied until the principles of the constitution and the Protestant religion should be maintained both in Church and State. He thought that his right hon. Friend and the Government would find it impossible to retain the confidence of the country long if they persisted as hitherto in the support of this grant. While, however, he did not press the Motion of which he had given notice he wished to know whether the hon. Member for Bristol (Mr. Berkeley), who had just given notice of the introduction of his annual Motion on the Ballot, was not to have the same measure meted out to him, and also whether the Roman Catholic Oath Bill, which stood as the first Order of the day, was to be proceeded with?

Mr. BENTINCK remarked, that in his opinion the hon. Member for North Warwickshire (Mr. Spooner) had certainly received very hard measure from the Government. He thought it would be for the convenience of the House if his right hon. Friend the Chancellor of the Exchequer would state whether he proposed to deal in the same manner with the Motion of the hon. Member for Bristol.

Mr. COGAN said, that it was of the utmost importance that he should bring before the House a Motion which stood in his name with respect to the conduct pursued by the Admiralty towards the Royal Yacht Club. The Admiralty had withdrawn its flags from this club, which contained 150 yachts and 400 members, and the result would be that a dissolution of the club must take place if the matter were not shortly taken into consideration. He must, therefore, appeal to the courtesy of the Government to grant him an opportunity of bringing it before the House.

Mr. BERKELEY said, that hon. Gentlemen seemed to think that the Chancellor of the Exchequer was inclined to extend more favour to him than to any one else. All he could say with respect to the Motion of which he had given notice was, that he considered it so important that the question of the ballot should be discussed that if he could find no other opportunity he should bring it on, on the Motion for going into Committee of Supply.

Mr. J. D. FITZGERALD said, he wished to announce that it was not his intention to proceed with the Roman Catholic Oath Bill, but that, if it should be his good fortune to be a Member of the next Parliament, he would take the earliest opportunity of re-submitting it to the House.

Mr. NEWDEGATE said, he wished to ask what understanding had been come to with the hon. Member for Tavistock (Sir John Trelawny) with regard to the Church-rates Abolition Bill?

Mr. DILLWYN said, that his hon. Friend the Member for Tavistock had requested him to move, that the Order of the day in reference to the Church-rates Abolition Bill should be discharged; but the question would be renewed in the ensuing Parliament.

The CHANCELLOR of the EXCHEQUER said, that with regard to the question whether the same rule was to be applied to the hon. Member for Bristol as had been brought to bear upon the hon. Member for North Warwickshire, he had to state that of course it was intended that a rule of that kind should be general and impartial.

Resolved, That Government Orders of

the Day take precedence of Notices of Motions on this and on all subsequent days until the end of the Session.

Motion *agreed to.*

SUPERANNUATION BILL.

COMMITTEE.

Order for Committee read ;

House in Committee.

Postponed Clause 13.

MR. COGAN said, he would move to substitute the word "seventy" for the words "sixty-five." He observed that it was not found that persons in other classes of life were unable to perform their duties, and he could not see why the civil servants should be compelled to retire from their situations at a time when they might be well fitted to perform their duties. Moreover, the compulsory retirements of these gentlemen would place a great burden on the country.

Amendment proposed in page 5, line 22, to leave out the words "sixty-five," and insert the word "seventy" instead thereof.

SIR STAFFORD NORTHCOTE said, that according to the present state of the law, the contemplated age of retirement was sixty-five, as no person could retire without a medical certificate until he reached that age. Of course there were cases in which persons were efficient beyond that age, and it was desirable that such persons should continue in the service of the country ; but there were a great many other cases in which the employed became less efficient after a long period of service. It was always in the power of the Government to tell those individuals to go, but that was a painful step for any department to take, and it was, therefore, now proposed that at sixty-five years of age retirement should be the rule, and staying the exception. The effect of this would be, that efficient persons would be asked to stay. The number of persons in the public service to whom this clause would apply was not more than 300, and he thought it was very desirable for the interests of those gentlemen, and of the service generally, that the age of retirement specified in the clause—namely, sixty-five—should be adopted. The current of promotion was stopped when old officers retained their positions, and it was natural that such persons should desire to remain in office, in order to obtain the higher salaries to which they were entitled, rather than submit to a reduction of one-third of their incomes on superannuation. He believed the adoption of this rule would effect a saving to the public, and he thought it desirable that it should come into operation at the beginning of next year, instead of being postponed for three years.

SIR FRANCIS BARING said, he had considerable doubts as to the propriety of the clause. Under the present law persons in the public service could not be superannuated, except on medical certificate, under the age of sixty-five ; but after the age of sixty-five no certificate was necessary, and persons might then retire voluntarily or might be required by the Treasury to retire. He thought there should be a power on the part of the Treasury to enforce the retirement of persons who were beyond a certain age, and who were unfit to discharge their duties efficiently, but he did not see the advantage of making retirement at a particular age compulsory. Under such a system, officers who were immediately under the eye of the Treasury, and who were efficient servants, would be asked to retain their positions ; but woe betide the unfortunate men at a distance with whose merits the Treasury were unacquainted. He doubted whether it was advisable to place in the hands of the Treasury a power which he feared even the most impartial Government would be unable to exercise without causing dissatisfaction.

MR. BLACK said, he also must oppose the clause. The rule proposed of compulsory retirement at the age of sixty-five years would operate with great hardship in the case of those gentlemen who were already in the public service, particularly in the case of those who had entered the service at the age of about thirty. If they were able to perform their duties, and could produce a certificate to that effect, and if they attended at the office regularly, they ought not to be obliged to retire. It would be a most invidious task for the Treasury to perform to compel men to retire if they were able to go on with their duties.

ALDERMAN SALOMONS said, he should support the clause as it stood, as he considered the age of sixty-five a very fair limit. It would be a great advantage if a public department like the Treasury should be able to refer to a fixed period of age as that at which public servants should retire. The Treasury had the power to enable persons to remain in their offices if it should be for the public advantage ; but he objected to persons remaining so long in their offices as to entirely prevent all promotion amongst the younger men.

Colonel NORTH said, that what he objected to was the retrospective operation of the clause. It probably would be beneficial if in future the age of sixty-five were fixed as the period for retirement; but with the qualification, that if men continued to perform their duties efficiently, they might be permitted to go on. The circumstances of each case should be inquired into, and decided upon accordingly. As to any officers now in the service, they ought not to be compelled to retire except on their full salaries.

Mr. WILSON said, the House had already passed a measure which reduced the age at which public officers could voluntarily retire from the service from sixty-five to sixty, and having thus shortened the period of voluntary retirement by five years, it seemed but fair that they should fix a limit on what retirement should be for the compulsory clause. The effect would be to render the entire service younger and more efficient. In an old service all the clerks were at the maximum salaries of their respective classes, but in a younger service, although more efficient, the average of salaries would be lower. It was proposed, however, that heads of departments should have power to recommend particular persons for longer service, and it would be on their recommendation that the Treasury would act. The regulation had received considerable attention both from the present and the late Governments, and he should advise the House to accept it. It was erroneous to suppose that the expense to the public was to be calculated according to the amount of the pension.

Question put, "That the words 'sixty-five" stand part of the Clause."

The Committee *divided*:—Ayes 147; Noes 128: Majority 19.

Mr. STEUART said, he would move the insertion in line 24, after the word "shall," "after the 1st day of January, 1863, be compelled to." He thought the clause in its original form might fall with great injustice upon many gentlemen in the public service, who would be taken by surprise, and therefore he proposed a medium course by postponing the operation of the clause for three years.

Amendment proposed, in line 24, after the word "shall," to insert the words "after the first day of January one thousand eight hundred and sixty-three be compelled to."

Sir STAFFORD NORTHCOTE said, he must oppose the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 50; Noes 203: Majority 153.

Colonel NORTH said, he would then move that in Clause 13, line 27, the words from "receive" to the end of the clause be left out, with the view of adding the following words:—

> "The full superannuation allowance which could be granted by the Act under which he entered the service for the service which he shall then have completed, and in addition thereto the allowance under this Act for each year's service beyond the quinquennium."

Sir STAFFORD NORTHCOTE said, that with respect to the quinquennium the hon. and gallant Gentleman must bear in mind that if a person served between twenty-five and thirty years he was entitled to a certain rate of remuneration.

Colonel NORTH observed, that he was satisfied with the explanation of the hon. Baronet, and would beg to withdraw his Amendment.

Amendment by leave *withdrawn.*

Sir STAFFORD NORTHCOTE said, he then moved the addition of the following proviso:—

> "Provided that this enactment shall not apply to persons holding any of the offices mentioned in the schedule to this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury, by order or warrant, under the hands of any two or more of them, to add to the said schedule any other office or offices which now exist, or may be hereafter created or established, the nature and functions of which shall render its or their exclusion from the operation of the said enactment desirable; in every which order or warrant the reasons for adding such office shall be stated; and a copy of every such order or warrant shall be laid before Parliament within one month after the making thereof, if Parliament be then sitting, and if not then within one month after the next sitting of Parliament."

Sir FRANCIS BARING said he wished to ask whether it was intended to exclude from the provision respecting compulsory retirement all heads of boards?

Sir STAFFORD NORTHCOTE: Yes. They were scheduled.

Sir GEORGE LEWIS said, he thought that the schedule should be carefully considered, so as to include all the parties it was really intended to reach. He mentioned, for example, the cases of Assistant

Secretary to the Admiralty, Assistant Commissioners for the time being. He apprehended there was no reason why such officials should not come under the same rule as Commissioners. There were also the cases of factory inspectors and of prison inspectors, which were not included in the schedule. There was a natural suspicion that such officers might be compelled to retire in order to afford opportunities for making new appointments; and the enumeration ought, therefore, to be made as complete as possible.

Colonel FRENCH said, he wished to ask under what class the Barrack-Masters and their Assistants would be placed. They were to all intents civil officers.

Mr. W. VANSITTART said, a petition had been sent by the Masters of Workhouses, praying that provision should be made out of the rates for superannuation allowances to them. He mentioned the matter that his hon. Friend might consider whether he could do anything.

Mr. J. D. FITZGERALD said, the fact of certain officers being excluded from the operation of a provision of the Bill would furnish a sound reason in law for supposing that others who were not mentioned in the list were intended to be included. He would instance, as an example, the office of Under-Secretary to the Lord Lieutenant, and that of the Registrar and Assistant Registrar of Deeds. He knew one of those Gentlemen in Ireland to be over sixty-five years of age. He hoped, if the Bill passed through Committee that evening, that it would be reprinted, so that it might be in its amended form placed in the hands of hon. Members on Thursday.

Sir STAFFORD NORTHCOTE said, it was not intended that the provision respecting compulsory retirements should affect officers of the classes alluded to. He admitted that the schedule was not sufficiently defined. He therefore proposed to reprint the Bill, with a more complete schedule. The measure did not profess to deal with the officers referred to by the hon. Member for Windsor (Mr. W. Vansittart.)

Sir GEORGE LEWIS said, he would suggest, as the hon. Gentleman proposed, to frame a new schedule, that the Treasury should have authority by warrant to add other offices to the schedule.

Sir STAFFORD NORTHCOTE observed that with that view he would propose to insert the words "from time to time."

Sir George Lewis

Mr. CRAUFURD said, he had heard no sufficient reason for proceeding with so important a Bill in the last hours of an expiring Parliament. The clause was so objectionable that he intended to move its rejection.

Mr. LABOUCHERE said, he would suggest that the consideration of the clause be postponed for the present, and that in the interval the Secretary of the Treasury should consider and specify what offices should be included in the list of exceptions.

Mr. GLADSTONE said, he must join in the suggestion. The clause before the Committee was connected with another, and he was afraid that, do as they would, they would not be able to get over the giving a discretionary power to the Treasury; but he could see no reason, and he had heard none, why the Committee in legislating on a matter so delicate should not insist on carrying specification to the utmost point. Unfortunately, the clause had been drawn on the opposite principle. The exemptions from the operation of the Bill ought also to be as explicit as possible. He agreed with the hon. Member (Mr. Craufurd), that at this moment this was the last Bill of all with which they ought to proceed in a hurry, seeing that it connected itself more or less with the electioneering interests of almost every hon. Gentleman on both sides of the House. He also hoped before the Bill passed that the Secretary of the Treasury would be prepared to give the House an estimate of the probable addition which it would cause to the public expenditure.

Colonel FRENCH said, he wished to observe that the office of Under-Secretary to the Lord Lieutenant of Ireland was not a permanent one.

Sir GEORGE LEWIS suggested that they had better name the offices to which the principle of compulsory retirement should apply. If it was only to apply to the clerks in the establishments of the public departments, would it not be better to make the clauses specify so much, and thereby limit its operation to that class of officials.

Sir STAFFORD NORTHCOTE said, that this clause was framed upon one drawn by the late Government. Such a provision was recommended by the Royal Commission, but he could assure the House that Her Majesty's Government had not introduced it for the purpose of obtaining patronage for themselves. They did not wish to press the clause as it now stood, if the House saw any objection to that course, but what he would suggest was that they should pass the clause now and leave the offices to be specified in a schedule to be hereafter added to the Bill. If, however, it should be thought better to provide by the clause itself that it should only be applicable to clerks in the public offices, it would be necessary to postpone the clause altogether, and bring it up on the Report. The latter, he confessed, would be the least convenient of the two courses, as in that case they might have to fight the battle of seventy *versus* sixty-five, and so on over again.

Mr. W. WILLIAMS said, he wished to know whether the Bill was to apply to the clerks in the Emigration Office. They were anxious to obtain information on the subject. He had just received information to the effect that an officer who was in the receipt of a high salary and in the prime of life was about to retire to make way for a member of the Government.

Sir STAFFORD NORTHCOTE said, that some of the officers in the Emigration Office were paid by salaries guaranteed by the Imperial Treasury, while others were paid by salaries guaranteed by the Colonial Treasury only. He apprehended that the former class would be included in this clause.

Mr. WILSON said, he thought the insinuation thrown out that the Government wanted to pass the Bill for the purpose of obtaining immediate patronage was disposed of by the simple fact that the Bill would not come into operation until the 1st of January next. It appeared to him that the better course to pursue was to pass the clause as it stood, and then make the schedule to be attached to the Bill as perfect as possible.

Mr. COGAN said, that after the feeling which had been exhibited by the Committee he must again press the Government to withdraw the Bill. There was no exigency in the case, and, considering the vast expense it would impose on the taxpayers of the country, it was only fair that the fullest opportunity should be afforded for discussing its provisions. If, however, it were proceeded with he would vote for the rejection of the clause as he had a strong feeling against compulsory retirement.

The CHANCELLOR of the EXCHEQUER said, that except for public purposes, the Government were quite indifferent as to whether this Bill was proceeded with at present. If he followed his own inclination, indeed, he should have asked the House to proceed with no Bill previously to the dissolution; but it had been represented to him privately that there was very generally, much anxiety about this measure. He put it, as he thought, very fairly to a full House on the previous day. An hon. Gentleman on the Opposition side, who was a very great authority on these subjects, and who seemed to speak with the concurrence of both sides of the House, expressed an opinion that they ought to proceed with the Bill; and he (the Chancellor of the Exchequer) had not heard anything in the course of the discussion of the Bill in Committee which induced him to think that the hon. Member for Devonport (Mr. Wilson) was in error when he expressed that opinion. On the contrary, the attendance of hon. Members and the remarks that had fallen from several of those who had spoken, rather made him believe that the feeling of the House was in favour of proceeding with the measure. Therefore, believing that he represented the wishes of the House, he could not feel himself justified in not proceeding with the Bill. In reply to what had been said by the hon. Member for Lambeth (Mr. W. Williams) as to some person who had been asked to vacate his office in order to make room for a friend of the Government, he (the Chancellor of the Exchequer) had heard nothing of the case. If the hon. Member would favour him either privately or publicly with the particulars of the case he would make inquiries into it.

Mr. W. WILLIAMS said, he had observed that he could not vouch for the story; he had only heard it; but he was sure that such cases would occur—he did not say under this or any other Government in particular—if a discretionary power was left with the Executive.

Sir FRANCIS BARING said, he hoped that the Committee would proceed with this Bill and finish it. A feeling of great anxiety prevailed among public servants with regard to the Bill; and nothing would be more inconvenient to the public service than that this class of persons should be looking to Members of Parliament, and not to the Government.

Mr. ELLICE (Coventry) said, he hoped the Bill would be passed. The postponement of the question would do great damage to the public service during the approaching elections.

Mr. J. D. FITZGERALD said, he believed that if this compulsory retirement clause were abandoned, the Bill might pass with general assent. His objections to the clause had by no means been removed by anything he had heard in the present discussion.

Sir GEORGE LEWIS suggested, that the clause should be withdrawn, as it seemed difficult to make an exhaustive enumeration of officers to whom compulsory retirement should not apply. Indeed the principle of compulsory retirement was unnecessary as the Act only applied to officers held during pleasure.

Mr. WILSON said, that although he had supported the clause throughout, he now concurred in hoping the Government would withdraw it.

Sir STAFFORD NORTHCOTE said, the Government had not the slightest feeling with regard to the clause, except to make an arrangement which, upon high authority, they believed would be to the advantage of the Civil Service. The clause had been a good deal misunderstood, and therefore, under the circumstances, he would withdraw it.

Amendment *withdrawn.*

Clause *negatived.*

Sir STAFFORD NORTHCOTE said, that in order to answer the question, "Who are to be deemed civil servants," he proposed to move the following clause :—

"For the purposes of this Act, no person hereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such person holds his appointment directly from the Crown, or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners; nor shall any person, already appointed to any office, be held to have served in the permanent Civil Service as aforesaid unless such person belong to a class which is already entitled to superannuation allowance, or to a class in which, if he had been appointed thereto subsequently to the passing of this Act, he would, by virtue of the provision lastly hereinbefore contained, have become entitled to such allowance; and no person shall be entitled to any superannuation allowance under this Act, unless his salary or remuneration has been provided out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of monies voted by Parliament."

Mr. WILSON said, he was perfectly satisfied with the clause, as he understood from the Secretary of the Treasury that the Civil Service Commissioners would, as a matter of form, countersign the appointments in the War Office, Admiralty, and other departments, on the representation of those departments that the requirements of the Civil Service Commissioners were complied with.

Viscount PALMERSTON could not see the use of the appointments in the Admiralty being countersigned by the Civil Service Commissioners, as they could not examine the candidates. What was the use of giving the Civil Service Commissioners a veto upon appointments the fitness of the person appointed to which they had no means of determining?

Sir STAFFORD NORTHCOTE said, the Board of Audit would not grant superannuation unless the certificate of the Civil Service Commissioners was produced. The clause was for the purpose of introducing regularity into the service.

Clause *agreed to.*

Mr. GROGAN then moved the following clause :—

"Whereas, by the Act passed in the 19th and 20th years of Her Majesty, chap. 110, intituled 'An Act for the better regulation of the House of Industry Hospitals and other Hospitals in Dublin, supported wholly or in part by Parliamentary Grants,' provision is made for the grant of Superannuation allowances to the officers or servants of such House of Industry Hospitals or of the Lock Hospital in Dublin, who from confirmed sickness, age, or infirmity, shall become incapable of executing their offices in person; and whereas the funds annually voted by Parliament for the maintenance of the said Hospitals are inadequate to maintain the said Hospitals, and to pay such Superannuation allowances, and it is expedient that provision for the payment of such Superannuation allowances be made under this Act. Be it enacted, 'That it shall be lawful for the Commissioners of Her Majesty's Treasury to grant such Superannuation or compensation allowances to the several officers or servants of the said Hospitals mentioned in the Schedule hereto annexed, according to their respective periods of service, previously to 1st April, 1857, in the Civil Service of the State, and subject to the like rules and provisions as they are hereby empowered to grant to persons who shall have served in the Civil Service of the State.'"

Clause *brought up* and read 1°.

Sir STAFFORD NORTHCOTE said, he was sorry to be obliged to oppose the Amendment of his hon. Friend; but he did not think that the institutions mentioned in the clause came within the scope of the Bill. If it was thought desirable that a scheme of superannuation should be applied to them, it ought to be done either by a separate vote, or by a Bill introduced for the purpose. He would rather not go into the circumstances of the particular cases, but would simply say, that it was impossible to introduce them into the Bill.

Mr. VANCE said, he thought that these were exceptional cases, and that it was very hard that they should be omitted from the Bill.

Mr. W. WILLIAMS contended that such hospitals as these were mere private institutions, though they were partly supported by the Government.

Mr. GROGAN said, that the hon. Gentleman was quite mistaken in this respect, for these hospitals had been supported from their first institution by the Government, and never had any other support except about £130, which they derived from private endowment.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided :*—Ayes 18; Noes 113: Majority 95.

Sir STAFFORD NORTHCOTE said, that hon. Gentlemen would remember that he had stated on a former occasion that he would endeavour, as far as possible, to make some kind of estimate of the expense the measure was likely to entail upon the public, but it would be found excessively difficult to form an accurate estimate upon the subject. As he had stated previous to going into Committee, no reliance could be placed on any calculation, because it could only be based upon the average age and period of service at which persons were now in the habit of retiring. At present they were retiring from the civil service under a scale of allowance which was much more favourable than the scale to be put in operation hereafter. He had endeavoured, however, to make an estimate, supposing that the rate of retirement would continue to be the same as now, and he calculated that, under the operation of this Bill, it might possibly cause an addition not exceeding, at the very outside, the sum of £70,000 a year. That was the result of bringing the Post Office within the operation of the measure, by which a very large number of persons would be added to those who were already entitled to superannuations. In fact, the great mass of addition to the expense would be occasioned by including the Post Office servants within the provisions of the Bill. There would be 6,000 or 7,000 persons thus brought under the operation of the Act, whose superannuations would cost about £40,000. The charge for officers in the dockyards and Customs could hardly reach £10,000, and it was just possible that under the operation of the modified scale some £20,000 might be added. Of course, when he put the total amount at £70,000; he put it at an outside figure; but he did not believe that it would be more than £50,000.

Mr. COWAN said, there was a class of civil servants who were paid not by salaries but for piece work. He alluded particularly to the clerks employed in the Registry Office in the city of Edinburgh. He wished to know if these persons were considered to have any claim under the provisions of this Bill to the benefit of superannuation?

Sir STAFFORD NORTHCOTE said, he had considered the case of persons of this description, but he feared it was impossible to include any others than those who were paid by salary within the provisions of the Bill.

Mr. CRAUFURD asked if the Bill would place the country letter-carriers on the same footing as the letter-carriers of the metropolis?

Sir STAFFORD NORTHCOTE said, that all persons who either gave up or were required to give up their whole time to the service of the public were included; but there were persons employed under the Post Office who did not give up their whole time, but were engaged in other pursuits during a considerable portion of the day, and these would not be included. The country postmasters and letter-carriers who were wholly employed in the service of the Post Office would of course be included in the Bill.

Sir DENHAM NORREYS said, that he looked upon the Bill as one of the most unfortunate measures that had passed the House for a long time. He believed that, but for the private influence which had been brought to bear upon hon. Members, such a Bill as this, unconnected as it was with any revision of salaries, would never have received their assent. If he thought for a moment that he could get any support he would oppose it on the third reading.

Preamble *agreed to.*

House resumed.

Bill *reported* as amended, to be considered *To-morrow.*

COUNTY PRISONS (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

Lord NAAS said, that in moving that the House should go into Committee on this Bill, he wished to express the hope that, as no notice had been given of any Amendment upon it, and no objection had been yet taken to its provisions, he should be able to pass it through the House before the termination of the Session. If, however, there were any objection to proceeding further, he would not persist in his Motion.

CAPTAIN D. O'CONNELL said, the Bill was a very long one, and he thought it would be impossible to discuss it satisfactorily at this period of the Session.

MR. BEAMISH said, he was of a similar opinion.

LORD NAAS said, he would then consent that the Order should be discharged.

Order *discharged.*

Bill *withdrawn.*

MAIL SERVICE (GALWAY AND AMERICA.)

PAPERS MOVED FOR.

MR. HORSFALL said, he rose to call attention to the subject of the intended mail service between Galway and America, and to move for a copy of all correspondence connected therewith. He had no hostility to the proposed communication between Galway and America, nor was he influenced by any Liverpool feeling, because he knew that influential memorials in favour of the Galway line had been forwarded from the town which he had the honour to represent, and also from Manchester. But, as a general rule, he objected to all subsidies, and thought the postal service of the country might be efficiently performed without them. The fact that the contract with the Galway line had been entered into privately had given great umbrage to many persons, and, for his own part, he believed that the country would have gained by an open competition. So far back as October last, a rumour prevailed that it was the intention of the Government to grant a subsidy to the Galway line of steamers for carrying the mail between Galway and America. A company in Liverpool immediately wrote to the Treasury to inquire whether such was the case, and he rested the whole of his complaint upon the answer which they received. They were informed, in reply to their communication, that when a new postal service was about to be established by the Government it was the practice of the Treasury to invite tenders by public advertisement, thereby affording to all parties an opportunity of competing. Now, he thought that the Liverpool, Philadelphia, and New York Company to whom this answer was addressed, had some reason to complain that after such an assurance a contract should be entered into privately with the Galway line; and he hoped, at all events, that the Government would be able to give some satisfactory explanation upon the point. He would repeat that he had not the slightest hostility against the Galway line; on the contrary, he rejoiced when he saw it established.

SIR STAFFORD NORTHCOTE said, there could not, of course, be the slightest objection to produce the correspondence for which the hon. Member had moved. A great deal of it had already been published, and the Government were ready to lay upon the table the further correspondence which had taken place on the subject. The usual practice when any new line of postal communication was intended to be established was to advertise for tenders and an answer to that effect had been sent to the company to which the hon. Member had alluded; but the Government thought they were justified in treating the Galway line between Galway and America as an exceptional case, inasmuch as it was proposed not purely for postal purposes, but as a measure specially important to the interests of Ireland. It should be remembered that the circumstances which connected Ireland with America were peculiar. A large amount of emigration took place between the two countries, and it was most desirable that every facility should be given to it, especially in the way of affording direct means of communication. The class who emigrated from Ireland to America consisted principally of persons in humble circumstances, and if they were obliged to travel from the south or west of Ireland to England, and then to take their chance of finding a passage to America from an English port, they would obviously be exposed to considerable hardship, and he believed that in many cases intended Irish emigrants had become chargeable upon the Liverpool poor rates from their inability to proceed further. In addition to this, it was found that a large proportion of the postal communication between Great Britain and America—he believed about a third—belonged to Ireland. Under these circumstances a company was formed to establish a line of steamers between Galway and America. It entered into an arrangement with the Government of Newfoundland for the performance of a postal service, and it then asked for a subsidy from the Imperial Government, with the view of making that service more complete—converting it, in fact, into a service between Ireland and North America generally. Its application was backed by an overwhelming number of memorials from commercial bodies, not in Ireland merely, but throughout the United Kingdom, and the conclusion to which the Government came was that those who had originated the idea should be the persons authorized to carry it out. Precedents were not wanting for such a proceeding as the same course was adopted, if he was not mistaken, in the case of the Cunard line, and the public interest required that the authors of new and valuable schemes should be rewarded in order that others might be stimulated by their example. It was possible that further communications might be established hereafter between England and North America; in that event the usual course of inviting tenders would be followed; but he hoped he had satisfied the House that the Government were justified in treating the Galway line as an exceptional case.

Colonel FRENCH said, it appeared to him that this Motion was made in the old monopolizing spirit, to crush the rising interests of Ireland, as in former times Acts of Parliament were passed to prohibit the making of cloth and establishing other restrictions in respect to Ireland, though he admitted that of late years that system had been changed. This company was formed to establish a direct communication between Ireland and America, and made to the Government an offer which the hon. Secretary to the Treasury had shown to be of public advantage, and he knew not with what object the present Motion was made by the hon. Member, unless it was brought forward in obedience to the desires of his constituents.

Sir DENHAM NORREYS said, he conceived that the arrangement made by the Government was a hasty one, and he believed that it would be found a most improvident one; but he trusted that the company had been bound to provide such vessels as would insure the greatest celerity and public convenience in the transit. If the Government had simply announced that it was desired to establish a communication between some portion of Ireland and America, the self-interest of the mercantile community would have led them to make an arrangement infinitely cheaper and more beneficial to the country than that adopted by the Government.

Mr. VANCE observed, that the conduct of the Government in this matter was highly to be commended. There was a general demand in Ireland for this subsidy, which had been well earned by the ability and enterprise which had led to the establishment of the line in question. The communication with Newfoundland was now very different from formerly. The Cunard vessels went past Newfoundland to Halifax, and the letters had to be brought back to Newfoundland. By the Cunard steamers the communication with Canada was fortnightly, whereas this new line would supply a weekly communication with that place, and no act of the present Government had given more satisfaction to the mercantile interests, not only in Ireland, but in England, than the subsidy to the Galway line.

Mr. COWPER said, that as an English Member he felt called upon to enter his protest against the most reprehensible and improper course taken by the Government in this matter. He understood the hon. Gentleman the Secretary to the Treasury to lay down the doctrine that the Government were quite right in making this large contract for £78,000 without public advertisement or competition among persons willing to tender, and without giving the House of Commons an opportunity of expressing an opinion with respect to it. If he recollected correctly the circumstances attending the establishment of the Cunard line of steamers, tenders were applied for in the first instance, and the offers were all considered to be too high. Subsequently Mr. Cunard made a lower offer, and it was not thought necessary to have another competition. The Peninsular and Oriental Company had obtained its contract by fair tender, and he thought that in this instance also an opportunity ought to have been allowed for all parties to tender for the service, and the public had a right to complain of the course taken by the Government, because there ought to have been some proper test of the value of the service to be performed, and such a test would have been best afforded by competition. He thought the Government were also reprehensible for persevering in their intention to sign the contract without giving the House of Commons an opportunity of ascertaining the facts of the case, and considering whether, on the whole, the arrangement proposed was the best that could be made, not only in the matter of economy, but with reference to the interests of Ireland. He thought the House ought to require some explanation why a very large expenditure was at all necessary for the conveyance of letters between Ireland and Newfoundland. The House had been in the habit of voting a sum of about £7,000 a year for the conveyance of letters by mail-packet between Halifax and Newfoundland, and if £78,000 was applied merely to the conveyance of letters to the United States through Newfoundland, he thought it would be difficult to justify such an expenditure, because £176,000 a year was already devoted to the maintenance of a weekly service between England and New York, and England and Boston and Halifax alternately. He did not mean to deny that it might be advisable to make arrangements for despatching a mail to North America from some Irish port alternately with Liverpool; but he thought it an extravagant proposition that, in addition to the weekly service from England, another and a totally distinct service should be established from Ireland. Letters could be collected from the greater part of Ireland and despatched to North America from Liverpool as conveniently as from Galway. It was impossible, however, to suppose that this expenditure was intended merely for the conveyance of letters. Its object was, no doubt, to benefit Ireland by promoting emigration. The Secretary to the Treasury had admitted that it was intended to facilitate emigration by establishing a frequent communication between Ireland and Newfoundland. It was right that any fair sum of money should be devoted to such a purpose; but if this were the object, why should the Government take credit upon their own responsibility for advancing the public money to promote this intercourse? The proper course would, in his opinion, have been for the Secretary to the Treasury to have submitted to the House a vote for the necessary sum, stating the purpose for which it was required; but why did the Government take credit for a measure which was said to be popular in Ireland, without allowing the House of Commons to express their opinion on the subject? He thought the Government had pursued a most improper, unusual, and unprecedented course in having secretly, upon their own authority, without laying any papers upon the table or proposing a vote, granted a sum of money to a particular company without permitting any competition. He thought this conduct was the more strange as Parliament was near its close. He hoped there was yet time for the Government to reconsider the course they were about to take, and that they would think it more consistent with their duty not to sign any contract at present, but to leave the subject to be brought before the future Parliament in a regular manner by an Estimate, accompanied by an explanation of the purposes to which the amount was to be applied. He would be most happy, if the Government could make out a fair case, to concur in granting any sum that might be necessary; but he thought the House ought to know what was the exact character of the contract, how long it was to last, and the specific object with which it was entered into, and the Government would then be relieved from many suspicions and rumours that had been spread abroad on this subject, which he thought could only be fairly met by their establishing a clear case for the grant. He must, under the circumstances, enter his protest against the course which the Government proposed to pursue in relation to this matter.

MR. P. O'BRIEN said, he was astonished to hear the hon. Member for Mallow (Sir Denham Norreys) protest against this grant, which was regarded in Ireland—except, perhaps, by persons who were interested in particular ports—as a great boon, very gracefully conceded by the Government. He believed Irish Members were almost unanimously of opinion that the establishment of the proposed communication would be attended with immense advantage to Ireland. The Secretary to the Treasury had, he thought, properly treated this as an exceptional case, similar to that of the Atlantic Telegraph. If Cork, or Limerick, or any other Irish port, had entered the field in competition with Galway, he could have understood the objections which were made to the course adopted by the Government, but no such movement had taken place. The sum required after all was inconsiderable, and with regard to postal requirements some four years back it was stated by the hon. Member for South Lancashire (Mr. W. Brown), one of the leading merchants engaged in the American trade, that two-thirds of the letters which were received by his house in Liverpool from America were from emigrants who had gone out from Ireland, and who sent remittances to their friends in that country. He thought, therefore, it was fair to infer that increased facilities for postal communication between North America and Ireland were required.

MR. SPAIGHT observed, that the Government had entitled themselves to the gratitude of the Irish people by acknowledging that from its geographical position Ireland was the high road between this country and her colonies in the West; but he entertained some doubt whether the course pursued by the Government was the best calculated to attain the object they had in view. If they deemed it right that a subsidy should be given to establish postal communication between Ireland and America, he thought they should have studied the interests of the public by adopting the route which ensures the greatest convenience, safety, and economy. The subject of this communication had been under the consideration of Parliament since 1831; four Commissions had inquired into the matter, and an opinion had been expressed that Galway was not the most convenient port on the western coast of Ireland as a station for Transatlantic communication. He deplored that the Government had gone so far in this particular instance. They would have better consulted the public interest if they had reserved their decision until the whole matter had been made the subject of a public inquiry. Whatever might be the merits of the Galway line, he greatly doubted whether it had been proved that it had any claims upon that House and the country. Certainly the passage to Newfoundland had been successful. It was well known that owing to the fogs and the ice it was impossible for six months in the year to carry on a communication of this kind with Newfoundland. He entreated the Government, therefore, to stay any proceeding until the question had been fully brought before the House after the meeting of the new Parliament. The interests of the Shannon were entitled to equal consideration, and all he asked for was a fair and open investigation. The highest naval authorities had declared that Galway in its present state was totally unfitted for an efficient packet station.

Mr. RICHARDSON said, it was natural that the hon. Member for Liverpool should dislike competition, but that Irish Members should do the same excited his astonishment and certainly was not very patriotic. For his own part he thought that Irish Members lay under a great debt of gratitude to the Government for the way in which they had treated Ireland, and he for one thanked them for what they had done in this instance. It was stated that Galway was a dangerous port to enter, but so was Liverpool itself; and, moreover, the former place could easily be made a first-rate port and Transatlantic station at an exceedingly moderate expense. Enormous sums had been laid out upon English harbours. At Holyhead, for example, the cost of the works was about a million sterling; whereas to render Galway a port which the Great Eastern might enter at low water, the entire expenditure required would be only £150,000. Even upon the right hon. Member for Hertford (Mr. Cowper's) own showing, the present Government must have entered into a very good bargain with the Galway line, because they had agreed upon a less sum by £300 per voyage than was paid to the Cunard line. The opposition offered in this case reminded one of the ancient state of Ireland, when Limerick fought against Galway and Galway against Limerick. If the Limerick gentlemen had shown their patriotism by starting a line from their own port for the accommodation of the country, not one word could have been said against them; but, having done nothing of the kind, it certainly seemed rather like sour grapes for them now to unite with the Liverpool men against their own fellow countrymen in Galway. The interests of the north of Ireland, as well as of England and Scotland, ought to be considered in connection with this question, because the direct line of postal service between Ireland and America and our own colonies in the west would lie by way of Belfast and the railroad now in course of formation to Galway. Dependent as it was upon Liverpool for its postal communication, the trade of Ireland was in a position in which no public-spirited Irish Member should wish to see it placed.

Mr. ROEBUCK said, he hoped the House would excuse him if he addressed it for a few moments on this matter, in which he certainly had a personal interest. That interest had arisen in this way. Regarding Ireland as one limb of this great empire, he had always desired to bring her, if possible, up to the standard of England. He saw an attempt made on the part of certain enterprising men in London to open a direct communication between Ireland and America, and by thus affording mercantile advantages to Ireland to benefit that country without doing injury to anybody; and though an Englishman, yet, wishing well to the sister Island, he had taken part in this adventure. Now, he was very much — he was about to say astonished, only he had ceased to be astonished at anything; but he admired this wondrous outburst of patriotism on the part of the front Opposition bench. The right hon. Member for Hertford (Mr. Cowper) appeared very much shocked at the idea of this contract being entered into by his political opponents with the Galway Company without the papers being laid before the House of Commons. But had that never been done before? Had it never been done by the immaculate body whose hard fate it now was to occupy the Opposition benches? What was lately done with Mr. Cunard? And when the right hon. Gentleman told them that no appeal had been made on that occasion to that House he told them nothing to the purpose. The last contract with Mr. Cunard was made by the present Government upon stipulations which were entered into by the late Government which had been left them as a legacy by their predecessors. Of that the House of Commons knew absolutely nothing, though that House was bound by the contract made by the late Government and carried out through the medium of their successors. What, however, had the present Government done with regard to the Galway Company? It was found that letters could be transmitted from London to New York through Galway, in twenty-four hours less time than *viâ* Liverpool; and tenders were accordingly sent in to the Government offering to conduct the mercantile communication between England, Ireland, and America by that shorter route. The Government, looking at the proposal from an Imperial point of view, considered it in the light of a question of what they could do for Ireland, and, indeed, for the whole mercantile community of the United Kingdom, by means of a new postal line by way of Galway. Following previous examples, the Government investigated the matter and judged for itself. It had taken proper precautions to secure good ships, and to have the service done in the specified time, and that time shorter than before. There was no harm or injury inflicted on any port in England by this. The hon. Member for Liverpool (Mr. Horsfall) told them he was not an enemy to Galway. The chief opposition to the enterprise appeared to come from Ireland. He often looked under the gallery and was always struck with faces from Limerick, and the world out of doors was always hearing something about something being done against the Galway Company by persons connected with Limerick. If so, were they to treat it all as downright patriotism and were there not personal considerations, were there not local considerations? The House of Commons, however, which was superior to all local and personal considerations, would, he hoped, judge as he had done himself. He found that various persons perfectly conversant with mercantile and marine affairs had selected Galway from among the different ports on the Irish coast. There was no competition either from Limerick or Valentia; the company was established at Galway; and the opposition was very like the old Irish quarrels; the dissensions among the Irish themselves utterly destroyed their own interests. No sooner was a good thing proposed to be done for Ireland than the most fierce opposition to it came from Ireland itself. Several Englishmen had selected Galway as the fittest port for the enterprise; they came to the Government, offered to do certain things, and bound themselves to do them; and when the House was told that Mr. Cunard had astonished the Government by the lowness of his tender he could assure it that the tender of the Galway Company was lower than that of Mr. Cunard. They should look at this enterprise as an Imperial matter—not as a mere postal arrangement. He thought the Government ought not to be actuated by any mere paltry considerations, but looking at Ireland and the advance of that country, he considered the establishment of the Galway Company a great step in her mercantile improvement. That improvement depended on English capital flowing into it, and yet when Englishmen did what every good Irishman admitted ought to be done, by whom were they most opposed? By Irishmen. It told badly for them; they should merge their small, petty, and local feelings in the great consideration of the Imperial interests of Ireland; they should forget Limerick and Galway, and think of it only as an Imperial question.

Mr. F. W. RUSSELL said, that while admitting the importance of a postal communication with America from one of the ports on the western coast of Ireland, which must ultimately tend to the conveyance of the American mails generally through Ireland, he must yet condemn the Government for the manner in which the arrangement with the Galway Company had been entered into. They ought to have arranged their own plan, determined upon the duty to be performed, and then advertised for tenders. If they had done this they would at least have had the opportunity of testing the comparative merits of the other Irish ports, and there would have been no cause of complaint. The capabilities of other ports would have been known, and if the localities which were equally or more favourably situated could not have provided the capital and the ships, the tender of the Galway Company would have been accepted as a matter of course. It was a mistake to suppose that the line of steamers for this service had been provided by Galway, the vessels having been sent round to that port by certain gentlemen in London, and had the competition been open, there was but little doubt that other gentlemen or other companies would have sent ships to some of the other ports. In fixing thus arbitrarily upon Galway an unnecessarily large expenditure would be incurred from the peculiar character of the coast, which would compel the carrying out of gigantic works, equivalent, as he believed, to those at Cherbourg—without which the service would fail. He hoped the Government would suspend all further operations upon the subject until the new Parliament assembled and expressed their opinions on it.

SIR FRANCIS BARING said, he thought the House had better suspend its judgment until the papers were before them, and then, if they were not found satisfactory, it would be a question for reference to a Select Committee. He was surprised at the imputation cast by the hon. and learned Member for Sheffield (Mr. Roebuck) against the right hon. Gentleman (Mr. Cowper), who, he thought, had laid down a good and constitutional doctrine, and as a general principle he thought it was preferable to put up all these lines to competition and tender. The hon. and learned Member told the House that he was influenced by motives of the purest patriotism in entering into this company. He did not dispute the hon. and learned Gentleman's assertion, at the same time he must say that that was the last consideration he should have thought would have induced any person to enter into such a speculation. It might have been all very well when lines of very small importance and expense were involved to leave the Government to deal with them as they thought fit, but looking at the magnitude of these postal contracts in the present day, it behoved the House to consider how they permitted the power to be taken out of their own hands. It might be said that the House had the control, inasmuch as it must vote the money. But how stood the case? A contract was made by the Government without the knowledge of the House, and as generally happened, the contracting parties had to build a certain number of ships for the service. If the House refused to sanction the contract, and withheld the supplies, the contractors would have an equitable claim for compensation for that outlay. The Admiralty could not build a shed without the sanction of the House of Commons; whereas the Government might, in the post-office department, enter into contracts for hundreds of thousands of pounds extending over ten or twenty years, the assent of Parliament being a mere nominal and useless ceremony. It was a serious matter for their consideration, therefore whether the Government should not be compelled to lay on the table the particulars and conditions of every contract a certain time before it was entered into, or, at all events, that in some way the House should have an opportunity of expressing its opinion on such matters before they were concluded.

MR. SULLIVAN said, he regretted very much that the hon. and learned Member for Sheffield (Mr. Roebuck) should have had a fling at the Irish Members; for had he taken the trouble to sift the chaff from the corn he would have found that out of the whole body of Irish Members five would perhaps support Limerick while the other 100 would vote to a man in favour of Galway. He (Mr. Sullivan) had the authority of an eminent Member of this House (Mr. Stephenson) for saying that, in that hon. Gentleman's opinion, there was no other port in Ireland which could at all equal in its capabilities for the Transatlantic service the port of Galway.

MR. MONSELL said, he must beg leave to question the statement just made as to the comparative unanimity of Irish Members on this question. On the other hand he thought that if the Irish Members were polled it would be found that a considerable number, who were interested in neither of the two ports mentioned, thought that the subject should be fairly and impartially sifted before any selection was made. He (Mr. Monsell) desired that the House of Commons should have this question fairly brought before it, and that a Committee should be appointed to take evidence, and then that a decision should be come to whether the course pursued by the Government was the best, and whether Galway or any other port would be the best adapted for the end in view. The hon. Member for Kilkenny had appealed to the opinion of the hon. Member for Whitby (Mr. Stephenson), but he had omitted to state whether the hon. Member for Whitby had ever been at Galway. He (Mr. Monsell) could appeal to the opinion of more than one Commission composed of experienced naval men, who all preferred another port to that of Galway. If the plan suggested by the hon. Member for Mallow (Sir Denham Norreys) had been adopted the advantage of open tenders for the terms on which transatlantic communication between Ireland and America could be carried on would have been gained, and the best port would have been chosen by the persons who undertook the contract. There was no difference of opinion in that House as to the advantage of Transatlantic communication between Ireland and America; but the question which was now under discussion was how best that object could be arrived at. He put it to the Chancellor of the Exchequer whether it would not be better to have established the system by the means he had suggested, and he wished to know why it was necessary to deviate from the usual rule in such cases. If that course had been pursued the decision would have been above all suspicion, and every one would have been satisfied. He would put it, therefore, to the right hon. Gentleman the Chancellor of the Exchequer to allow this matter to come before a tribunal taken from the House of Commons, where no local interests could decide the question, and not to enter rashly on a contract which would give satisfaction to few and dissatisfaction to many.

Mr. BEAMISH said, he did not blame the Galway Company for what they had done, but he thought it would have been the more regular course, where so large a sum of money was involved, if the contract had been opened to fair tenders for the best means of communication between Ireland and America. He might have his predilections for the port with which he was connected, and thought it was the best for the purpose; but he desired to look on this question not locally but Imperially, and he only wished the matter to be settled openly and fairly. The gentlemen connected with Galway had done much to secure a communication between Ireland

and America, and their claims were entitled to consideration, but still it was right that the contract should be put up to public tender. The question was still open for inquiry, and the whole matter ought to be submitted to the House of Commons.

Mr. JACKSON said, he was of opinion that no subsidies at all were requisite, either for the postal or commercial service between England and America. If the communication between the two countries were left to private enterprise, ample accommodation would be afforded without the necessity for resorting to Imperial taxation. The Great Eastern, with which he was connected, would, when ready for sea, be prepared to carry on the postal communication across the Atlantic swifter than any other ship without asking the Government for a shilling. With regard to Galway, he did not ask himself whether that was the best or worst port for the purposes required; but he contended that if it were really the best it would soon have been selected as the point of intercommunication, and he thought the Government ought to have paused before supporting any individual enterprise.

Motion *agreed to.*

Copy *ordered,* "of all Correspondence on the subject of the intended Mail Service between Galway and America."

NATIONAL EDUCATION (IRELAND).

ORDER DISCHARGED.

Mr. SULLIVAN said, he rose to move that the Order of the 30th March for a return relative to National Education in Ireland be discharged. The reason for his Motion was, that the return reflected unfairly on the character of private individuals. It had been obtained in the following way. An action had been tried at the last Kilkenny assizes between a Mr. Kenealy and the editor of the *Belfast Mercury,* in which a verdict was obtained for the plaintiff. The hon. Member for Newry (Mr. Kirk), then moved for a return to be made by the Commissioners of National Education in Ireland relating to certain matters which had occurred to Mr. Kenealy in 1848, in connection with his dismissal from the mastership of a national school, which were entirely of a private character. He hoped that the return would be discharged.

Lord NAAS said, that previous to the order being made the hon. Member for Newry (Mr. Kirk) had shown him the return for which he wished to move, and he had referred it to the Commissioners for National Education, who said there was no objection to it, and had consented to its production. The hon. Member for Newry (Lord Naas) was then absent, as he, in fact, was when the order was made, the Motion for the return having been made for him by the hon. Member for Cork. It was the practice of the House not to permit the production of papers which might damage the character of individuals, and as the hon. Gentleman (Mr. Sullivan) had assured the House that the papers ought not to be produced and the hon. Member for Newry was not present to justify the Order, the best course would probably be to discharge it, leaving it to that hon. Member to renew his Motion at a future time if he should think fit.

Mr. BEAMISH said, that although he had in the absence of the hon. Member for Newry moved for the papers, he knew nothing whatever of the circumstances of the case; but he would beg to suggest that instead of discharging the Order at once, the Motion of the hon. Member for Kilkenny (Mr. Sullivan) should be postponed for a week, in order to give the hon. Member for Newry an opportunity of explaining the object he had in asking for the papers.

Sir DENHAM NORREYS said, he objected to making Motions one day and discharging them the next. He thought the matter should be postponed for a month, which would get rid of it for the present Session.

Mr. SOTHERON ESTCOURT said, it was not unusual to discharge such Orders. The Return had been moved for in the ordinary way, after it had been ascertained that there was no objection to it; but as the hon. Member for Kilkenny (Mr. Sullivan) had stated, that it affected the character of a gentleman from whom he had received the information, in the absence of the hon. Member who moved for the Return, the fairest way was to discharge the Order, and leave it to the hon. Member for Newry, if he thought proper to renew his Motion.

Motion *agreed to.*

Order *discharged.*

DAMAGED TEA.—OBSERVATIONS.

Mr. AYRTON said, he wished to call the attention of the hon. Baronet the Under Secretary of the Treasury to the fact that considerable dissatisfaction had been occasioned in connection with the circumstance that tea which had been imported into this country had been so damaged as to be useless, and he trusted some steps would be taken to prevent the recurrence of the sale of an article which must be regarded in no other light than that of rubbish.

Sir STAFFORD NORTHCOTE said, that the hon. Gentleman had called attention to a subject which had caused some interest in the City, and which related to some damaged tea which had been imported in a vessel called the *Jubilee*, which was wrecked. The question arose, what duty was to be charged on the tea. The packages being saturated with water, were much heavier than they would otherwise have been. The Commissioners of Customs had no authority to change the rate of duty, but it was not for them to charge duty on a pound of tea which was made heavier by a pound of water. The Commissioners allowed articles in this condition to be dried, so that the duty might be charged on the articles themselves and not on the water with which they were saturated. Some of the tea in question had been allowed to be dried in bond and the duty charged, and the other cases were charged on the weight which would naturally belong to chests of tea of that size. In cases in which the public health was not concerned, that was a fair way of proceeding, for it was hard that the owner should not only suffer from the damage to his goods, but should have to pay additional duty. The other question was whether this tea was in so bad a state that it ought not to have been sold, and whether it would be prejudicial to the public health. With regard to that, however, the Commissioners of Customs had no power to destroy damaged goods, on the ground that they were unfit for consumption. The Crown, however, possessed the right, by Order in Council, to prohibit the importation of such articles; and if the Customs authorities thought they would be prejudicial to the public health, they might have taken steps by means of which the Crown would have had power to destroy them. The tea in this case had been examined, he believed, by Dr. Fitzwilliam, who stated that it was very bad stuff, but not deleterious to health. It was consequently allowed to go into the market. Since this occurrence, he (Sir Stafford Northcote) had called on the Commissioners of Customs to draw up a report on the whole question, so that some rule might be laid down with regard to articles unfit for consumption.

MANOR COURTS (IRELAND) BILL.

QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the noble Lord the Secretary for Ireland what was to be done with the Manor Courts, Ireland Bill, which was coming back to that House from the Lords with Amendments. He also wished to know whether provision had been made for appointing returning officers in those places where the officers of those courts which had been abolished, had acted as returning officers.

LORD NAAS said, that some slight Amendments had been made in the Bill, and it was intended that it should become law this Session. Provision had been made in those cases where the seneschals had been returning officers, to transfer their duties to the sheriffs of the districts.

House adjourned at half-past nine o'clock.

HOUSE OF COMMONS,

Wednesday, April 6, 1859.

MINUTES.] PUBLIC BILLS.—1° Railway Tickets Transfer; Westminster New Bridge; Local Government Supplemental; Pauper Maintenance; Naval Medical Supplemental Fund Society Annuities, &c., Act Continuance.
2° Combination of Workmen.

DISSOLUTION OF PARLIAMENT.—PERSONAL EXPLANATIONS.

Order for Committee (Supply) read.

VISCOUNT PALMERSTON: I wish, Sir, to take this opportunity of making a personal explanation, rendered necessary by something that was said with respect to my conduct,—where and by whom I am not acording to the rules of the House at liberty to specify, but it is sufficient to say, by a person whose authority in this country is considerable, not longer ago than on Monday last. I have been accused of unconstitutional conduct in questioning the prerogative of the Queen to dissolve Parliament when Her advisers may think fit, and upon whatever subject they may deem it right to dissolve. Now, Sir, I never said anything that could bear that construction. No man in his senses who knows anything of the British constitution can question the prerogative of the Crown, upon the advice of responsible Ministers—because the Crown can exercise no part of its prerogative except by the advice of responsible Ministers—to dissolve Parliament at any period of the year, or in any state whatever of public business that they may think a fit opportunity of so doing. But there happened to be conditions of public business in this House at certain periods of the Session at which that advice could not be given or acted upon without throwing all the transactions, business, and services of the country into utter confusion. While the Supplies are not all voted, while no Appropriation Act has been passed, and while no financial statement has been made, it is obvious that the advisers of the Crown cannot without great inconvenience to the public service recommend the Sovereign to dissolve Parliament, and carry that recommendation into effect, unless the house of Commons makes itself a party to the transaction, accelerates its proceedings, and concurs in the temporary expedients which are necessary in order to place the public business in a position in which a dissolution would not be attended with inconvenience to the interests of the country. That is exactly the state of things in which we are now, and what I said upon a former occasion was that the advisers of the Crown could not obtain a dissolution of Parliament at the present moment without the consent and concurrence of this House. What is the other course which might have been pursued? The House of Commons might have said,—"We will not be parties to these temporary expedients; bring in all your Estimates, we are ready to discuss them; we do not mean to refuse the Supplies; bring in your Appropriation Act at the proper time; go through the business of the Session, and when it has arrived at that point at which a dissolution is practicable without interference with the public interests, of course you will then exercise, with the permission of the Sovereign, the prerogative of the Crown." What I meant to imply was, that during that delay it was possible that this House might interpose other measures—that they might address the Crown, praying that it would neither dissolve nor prorogue parliament until the House had had the opportunity of considering another Reform Bill, to be presented by the Government. They might have gone a step further, and, pending the course of public business, have addressed the Crown to dismiss the present Ministers. All these would have been perfectly constitutional proceedings, and therefore I utterly repudiate the charge that anything which I said, that any doctrine which I held, was in the slightest degree repugnant to the prerogative of the Crown, or in any degree whatever contrary to the fundamental and practical principles of the British constitution. This House has not thought fit to adopt any of the courses to which I have just referred. I certainly should not have advised it to do so. I think it far better that we should accept the challenge of Her Majesty's Ministers, and appeal to the sense of the people; and I feel perfectly confident as to the answer which will be given to that challenge. There is another point of far less importance to which also I wish to advert while I am upon my legs. My noble Friend the Member for the City of London and myself entirely concurred in the Resolution which he felt it his duty to propose; and that perfect concurrence and identity of opinion being generally known, many persons suppose that there is the same perfect identity of opinion between us in regard to that general sketch or outline of a Reform Bill which my noble Friend gave us a few nights ago. I would only say that I entirely concur with him in the principles upon which that outline is founded—namely, the reduction of the county franchise, the reduction of the borough franchise, and the transfer of seats; but, with regard to the particular limits to which in his sketch he suggested that those principles should be carried, I retain the opinions which I have expressed upon former occasions.

Sir JOHN PAKINGTON: Sir, I cannot allow the statement of the noble Viscount to pass altogether unnoticed. He has replied to the language held in "another place" by a person whom the noble Viscount says, holds a very high position in this country. Of course there can be no misunderstanding on the part of the House to whom the noble Viscount refers, and, therefore, I think it my duty to state, so far as I am aware, what was the language of the person to whom the noble Viscount alludes. I am not of opinion that that language is at all open to the criticism which the noble Viscount has passed upon it; but the noble Viscount must bear in mind that the language so attributed to a noble Earl in "another place" was held by myself in this House—not, of course, in exactly identical terms, but certainly in terms of a very similar nature. I am very glad that the noble Viscount has offered this explanation; but I must repeat that which I ventured to express on a former day, that in my humble opinion the language of the noble Viscount on the occasion referred to was not consistent with respect to the Crown, and certainly did tend, as far as it was possible for the language of a statesman in this House to tend, to call in question the prerogative of the Crown in regard to the dissolution of Parliament. I am in the recollection of those who heard what the language of the noble Viscount was, and certainly if it tended to anything, it tended to a direct threat that, in the event of any attempt by the Crown to exercise the prerogative in respect to a dissolution, the noble Viscount, and those who acted with him, would refuse those Supplies without which the noble Viscount—and so far, no doubt, he was correct in what he stated—it would be impossible, or, at all events, very inconvenient, that Her Majesty should be advised to dissolve Parliament. I think there is no man in this House who was not struck by the marked contrast between the language of the noble Viscount on the occasion to which I have referred, and that which he used on Monday evening last in answer to the statement of my right hon. Friend the Chancellor of the Exchequer, that Her Majesty's Ministers had recommended the dissolution of Parliament. The two speeches were as directly contrasted one with the other as it was possible for two speeches to be. When the noble Viscount used that threatening language, I was surprised that he did not bear in mind the circumstances which attended his adoption of a precisely similar course two years ago. The only difference is that then the defeat of the Government took place at the beginning of the month of March, and now it has occurred at the beginning of the month of April. The Government of the noble Viscount was defeated, a vote of censure was passed by this House, and the noble Viscount and his colleagues had the same option which Her Majesty's present advisers have had, either to tender their resignations or to recommend the exercise of the prerogative of dissolution. The noble Viscount, exercising, no doubt, his perfect right as a Minister of the Crown, advised the dissolution of Parliament, and I beg to remind him that he was met by the Opposition with no effort to withhold the Supplies. On the contrary, the Opposition of that day took the course which the noble Viscount intimated on Monday night that he should now pursue, of affording every facility for an appeal to the people. That was not the language which the noble Viscount held upon a previous occasion. His language then was threatening. I repeat, it was, in my opinion, disrespectful to the Crown. If it meant anything it threatened an attempt to impede the exercise of the prerogative. I am exceedingly glad that the noble Viscount has seen fit to alter his tone, and to hold different language. The noble Viscount says that he is not apprehensive of the result of the appeal to the people; to that I can only reply, that Her Majesty's Government anticipate the result of that appeal with equal confidence.

Sir GEORGE GREY: Sir, I do not suppose that any Member of this House would suggest a doubt of its being within the prerogative of the Crown to dissolve Parliament, but when the right hon. Baronet says that it is disrespectful to the Crown to suggest that the House of Commons will interfere between the advice of the responsible Government, upon which alone the Crown dissolves Parliament, and a dissolution, he is, I think, sacrificing the rights of the House, and stating a doctrine which ought not to pass without some comment. The right hon. Baronet must be aware that it is the constitutional privilege of this House to address the Crown upon matters of public policy and importance; and if, in the opinion of this House, great public inconvenience, great injury to the interests of this country, as well as great risk to the peace of Europe, as was suggested by Members of the Government, were likely to result from the dissolution of Parliament, it might have been the imperative duty of this House to interpose their advice between that tendered to Her Majesty by her responsible Ministers and the Act which was to follow it—namely, the dissolution of Parliament. My noble Friend suggested that it was not in the power of the Government alone to dictate what it was intimated that they intended to recommend—an immediate dissolution; and he only reminded the House that there were certain acts which must be done, before a dissolution took place, which rendered an immediate dissolution impossible, and that it was only by the concurrence of this House, by its giving the necessary facilities, that the advice which the Government might feel it their duty to give to the Sovereign could be acted upon. In that suggestion my noble Friend took perfectly constitutional ground. But the Government having recommended to the Sovereign an immediate dissolution have done it upon their own responsibility, and I think that my noble Friend and those who act with him—I think that the majority of this House have acted wisely and judiciously in leaving the responsibility of that course exclusively upon the shoulders of the Ministers. On them be the consequences which may result from the dissolution of Parliament which they have advised. As reference has been made to proceedings elsewhere, I cannot sit down without expressing my astonishment that in that place notice should, in a most irregular and unprecedented manner, have been taken of proceedings in this House, and an opinion been expressed upon them contrary to that of the highest authority in this House. It is true that we sometimes inspect the journals of the other House of Parliament, and I have no doubt that Members of that House sometimes inspect ours, and by that means information is obtained as to what is passing within the walls of the other House; but this is the first time that I have ever heard any person holding the position occupied by the noble Peer who has been referred to openly criticise in that place the proceedings of this House, and take upon himself to cite authorities with respect to them which this House does not in the slightest degree recognize. I am glad to hear the right hon. Baronet say that the dissolution which has been advised in this case, and that which took place in 1857, stand upon exactly the same grounds. The issue in that case was a definite one. There was a vote of the House of Commons upon a particular question of policy, upon which my noble Friend advised the Crown that a dissolution might take place with a view to an appeal to the country. That appeal was distinctly answered. I only hope than on the present occasion the issue will be as clearly understood; and that, the House of Commons having by an adverse vote condemned two of the main features of the Bill for amending the representation of the people submitted to the House of Commons by the Government, we shall have the opinion of the country and of the constituencies upon that measure.

Colonel FRENCH said, that although no one would question the power of the Government to advise Her Majesty to dissolve Parliament, it was equally well understood that it was not justifiable for them to take that course unless they had some hope of a majority being returned to support their opinions. That was now the point of difference. That was the point which the Government would have to answer immediately upon the return of the new Parliament. It was strange that the First Lord of the Admiralty, who had accused the noble Lord the Member for Tiverton of indirect disrespect to Her Majesty, should have overlooked the direct disrespect of which the noble Earl at the head of the Government had been guilty in stating elsewhere that he would not under any circumstances recommend that the noble Lord the Member for the City of London should be charged with the formation of a Ministry, and that there was an hon. Member of that House representing the people with whom, under no circumstances, would Her Majesty have anything to do. What was that but a direct act of disrespect towards the House of Commons?

MR. MALINS said, there was one thing which had given him extreme satisfaction in the course of this discussion, and that was the extraordinary uneasiness which was manifested by hon. Gentlemen opposite at the prospect of the impending dissolution. Hon. Gentlemen sitting on that side of the House were last week exceedingly bold and defiant with respect to Her Majesty's advisers recommending a dissolution of Parliament. Some hon. Members said that such a step was not to be thought of, whilst others boasted that they were perfectly indifferent about it. But once that a dissolution was resolved upon the cry was raised that it was unconstitutional, and that the advice which Ministers had given to the Crown was not in accordance with the first principles of the English constitution. The House might now judge what that assumed indifference meant. The noble Viscount the Member for Tiverton, in language of defiance so strong that, to his (Mr. Malins') mind, it was only comprehensible upon the assumption that the noble Viscount was in earnest, and intended to follow up his threat, had dared Her Majesty's Ministers to recommend a dissolution, and said that there must be no dissolution, because the House in the present state of public affairs could not be dissolved, and that he would take care that the Supplies which were necessary should not be forthcoming. If the noble Viscount was in earnest on that point why had he not followed it up? But instead of that he had contracted himself down to very small dimensions indeed. And how was that to be accounted for? Was it that the majority on which he had counted had melted away to too small dimensions? He (Mr. Malins), for his part, would say that he had been accustomed to look upon the noble Viscount as a man who in an emergency might be relied upon to support the principles of the English constitution, and though he did not agree in the whole of his policy there was no man of his party whom he should be more inclined to follow. He was, therefore, greatly disappointed to find the noble Lord on the present occasion disposed to adopt such extreme principles.

SIR JOHN TRELAWNY said, he rose to order. A number of hon. Gentlemen had given notice of their intention to make Motions on going into Committee of Supply, and it was not fair that other questions should take precedence. He wished, therefore to inquire whether the hon. and learned Gentleman was not out of order in making observations on such a subject.

MR. SPEAKER said, the hon. and learned Gentleman was perfectly in order.

MR. MALINS: As the hon. Baronet on the other side of the House, in his speech of triumph, had alluded to the issue now before the country, and the issue put before the country in 1857, he (Mr. Malins) could only hope that the issue which was put before the country by the noble Lord the Member for London and the noble Viscount opposite would be distinctly understood. The noble Lord the Member for London had told the House what his Reform Bill was to be; but was the noble Viscount the Member for Tiverton inclined to adopt that Bill? He had not the good fortune to hear the noble Lord, but he understood that he had said that he was not for that Bill; and unless the reports which had reached him greatly deceived him the noble Lord had expressed himself to the effect that whenever the Bill sketched by the noble Lord the Member for the City was brought in he should be found among its most strenuous opponents. Upon that point the noble Viscount seemed to be somewhat ambiguous. What then was the issue tendered by the noble Lord the Member for Tiverton? The noble Lord, in his own case, took the opportunity of dissolving, and if they now tendered issue, the noble Lord must accept it. Hon. Gentlemen opposite, even if they were in a state that by the union of parties not agreeing among themselves they could out number the Government, might yet find that there was no wish on the part of the majority for the retirement of the Government. This was a vote of confidence, and not one merely on the provisions of the Reform Bill. He would inquire of hon. Gentlemen opposite what would be their point of union if the noble Lord the Member for London came into office? Would they give way upon the Ballot? If they did they must compromise their principles, and if they did not he should like to know what prospect they had of retaining power. But he had too high an opinion of the noble Lord to think that he would become an advocate of the Ballot. But if the Government were turned out what would become of the principle of union? Hon. Gentlemen who sat below the gangway on the other side had said that unless the Ballot were offered it would be in vain to rely upon their support. If so, supposing the noble Lord to come into office, there would be as great difficulty in carrying on the Government as ever. The right hon. Baronet the Member for Morpeth (Sir G. Grey) had taunted the Government on their course. Now, he (Mr. Malins) represented a small borough, but it included a widespread area, and contained a great variety of voters. He had stood two very severe contests for it, and on the last occasion he had had to contend with the strong impression on the minds of a large portion of the electors that the noble Member for Tiverton was the only man who could carry on the war satisfactorily. But the country might now see that it was perfectly plain that the question now before them was capable of easy settlement. The points of difference between the noble Lord opposite and that (the Ministerial) side of the House were so small that they might have been capable of easy settlement, and the dissolution might have been avoided. Thus the confusion into which the affairs of the country must be thrown by a general election might have been avoided, which would have been especially desirable at a time when union, strength, and tranquillity were so much needed. The necessity of a dissolution had, however, been forced upon the Government. It was remarkable that this disturbance did not arise from the country operating upon the House of Commons, but from the House of Commons operating upon the country. He hoped that the attempt that had been made would signally fail, and it was in vain for the noble Lord and the right hon. Gentleman to think that hon. Members on his side of the House were to be intimidated by any threats on their part.

Sir GEORGE LEWIS: Sir, there has been throughout our recent debates a constant, an unfair, and, I trust, a wholly unsuccessful attempt to fix upon this side of the House the responsibility of the present state of affairs. The remarks which have just been made by the hon. and learned Member for Wallingford would almost lead the House to suppose that it is my noble Friend the Member for Tiverton and the hon. Gentlemen sitting on this side who have advised the dissolution of Parliament and who are responsible for that important step. But observe what has been the course of the Government upon this subject. On acceding to power last year they took the Government, according to the expression of my noble Friend, with its engagements. I must be permitted to remark, however, that it is a perfectly new and not generally accepted doctrine that an Opposition, when it comes into office, abandons its own engagements and adopts those of its antagonists. However, without dwelling upon that part of the subject, I shall only say that Ministers voluntarily undertook the engagement of bringing in a Reform Bill. They renewed that engagement on various occasions by declarations of individual Members of the Government during the recess, and they announced in the Speech from the Throne their intention of introducing a measure of Reform. After mature deliberation that Bill was brought forward. It was made the subject of a long and able debate, and by the solemn judgment of this House it was condemned as unsatisfactory. In consequence of the adverse decision of this House they abandoned their Bill; but they do not announce that they will bring in any other measure, on the contrary, they state that in the present year it is not their intention to propose any other measure of Reform, and they appeal to the country against the decision of this House. Now, is that not a distinct appeal upon the measure of the Government? Upon what possible question can it be an appeal if not upon their Reform policy, upon their recent Bill, and against the adverse decision of the House in connection therewith? They do not substitute any other measure, and still less do they state what that measure is to be; they simply appeal against the decision of the House, and that decision was pronounced upon their existing Reform Bill. [Sir JOHN PAKINGTON: It was a refusal to entertain the question.] The decision of the House was pronounced upon the two most important characteristics of the Bill. Those two points were selected for the decision of the House, and upon those two main points, which included the most essential principles of the Bill, the House decided against the Government. Observe what was the conduct of Earl Grey's Government in 1831, when they appealed to the country upon the subject of their Reform Bill. That is the case which is most exactly in point. Earl Grey's Government brought in a Bill that was condemned by the House of Commons by a considerable majority. The course pursued then was very similar to that which has been taken in the present instance. Upon going into Committee a Resolution was moved, condemning one of the most important parts of the Bill, and it was carried, as I have said, by a considerable majority. The Government never for a moment pretended to say that that was not a condemnation of their Bill. They stood by the Bill; they went to the country upon the well-known cry, "The Bill, the whole Bill, and nothing but the Bill." No other issue was raised; the country pronounced in their favour, and its representatives came to this House, knowing what they had promised to vote upon. A dissolution is now about to take place. I want to know upon what it is to take place. Up to the present moment no issue has been raised either here or elsewhere beyond this—that the country is asked to express its confidence in the Government, in consequence of the policy which they have adopted on the subject of Reform. Can they put any other issue before the country? Can they say that they ask the confidence of the people in respect of a policy which they are about to pursue upon the subject of Reform? No such thing. Here is their Bill; it was condemned more or less by every hon. Member who spoke in the recent debate, whether on this or the other side of the House, and upon its merits Ministers appeal to the country. Some hon. Members, indeed, condemned the form of the Resolution, but there was scarcely a single Member on either side of the House who expressed a decided approbation of the general form and character of the Bill. What possible issue, therefore, is raised which does not involve their Reform policy? Surely Her Majesty's Ministers do not go to the country simply upon the question whether they shall retain their offices. That is not a question upon which an appeal can be made to the constituencies. Some principle — something beyond a mere vague expression of confidence—must be implied in an appeal. Gentlemen on this side are not responsible for the step about to be taken. A Bill was submitted for our consideration, and we rejected it. We have been told that in doing so we showed a want of respect to the Crown. Observe what hon. Gentlemen opposite did last year with respect to the India Bill. A recommendation from the Crown was made to this House to consider the question of India. The Government prepared a Bill carrying that recommendation into effect, and what was the course pursued by hon. Gentlemen opposite? Why, they would not allow us even to read the Bill a first time, and they met us by a Resolution precisely similar to that to which so much objection has been lately taken. The only distinction, in fact, between the two cases is, that in the one they even refused to allow the Government to lay their Bill on the table, while in the other we reserved our opposition to the second reading, the proper time for it. To say, after a debate of seven nights, which was virtually a debate upon the second reading of the Bill, the measure has not received consideration, and that we have been guilty of disrespect to the Crown, is one of the most monstrous attempts at imposing upon the credulity of the country which my Parliamentary experience can furnish. We have merely exercised our constitutional right to consider and reject a measure proposed, not by the Crown, but by the Government, whose acts we are at liberty to canvass and criticise in every possible way. Upon them lies the responsibility of the Bill itself and of the dissolution which they have recommended, and the real issue which the country has to decide is—does the Reform policy of the Government, as expressed in that Bill, entitle them to the confidence of the public?

Sir JOHN PAKINGTON: The right hon. Gentleman appears to be labouring under a misapprehension as to what fell from me upon a former occasion. I never said anything so absurd as that any want of respect was shown to the Crown in not entertaining the Reform Bill; but I did say, that the language of the noble Lord the Member for Tiverton, on the subject of a dissolution, trenched upon the Royal prerogative, and was wanting in respect to the Crown.

Sir GEORGE LEWIS: I did not refer

to the remark of the right hon. Baronet, that the language held by my noble Friend on the subject of a dissolution was disrespectful to the Crown. What I alluded to was an expression used both here and elsewhere, to the effect that we showed a want of respect to the Crown in not entertaining the measure of Reform proposed by the Government. Such an expression was used, and I repeat it is entirely erroneous.

MR. BERNAL OSBORNE said, he was one of those fortunate Members who had caught the eye of the right hon. Gentleman during the recent debates, and consequently he had already had the opportunity of communicating his sentiments to the House on the subject of Reform, and was not going to discuss the question again then. He could, however, make allowance for the ardour of the hon. and learned Member for Wallingford (Mr. Malins), who had not enjoyed the same opportunity; but he must protest against that hon. and learned Member robbing the printers of Wallingford by making addresses in that House to his constituents. He thought they had had enough of Reform discussions, and had now better leave the battle to be fought out on the hustings. It was natural that the noble Lord should wish to make an explanation, but it would be of no use discussing the question further in a moribund Parliament. He was glad the Government had determined to dissolve, because he thought that a general election would put parties on a better footing. The object of his rising, however, was to ask a question. He wished to know whether it was true that the Government had appointed an hon. Member of that House to the vacant judgeship in the Irish Incumbered Estates Court, contrary to the report of the Commissioners.

MR. SOTHERON ESTCOURT said, he begged to inform the hon. Member that a Judge had been appointed to the Incumbered Estates Court in Ireland, and that the Judge so appointed was an hon. Member of that House.

MR. BERNAL OSBORNE said, he wished to know whether there had been a decrease of business in the Court.

MR. SOTHERON ESTCOURT replied that he could say nothing on that subject, but if the hon. Member would put a notice of his question upon the paper, he (Mr. Sotheron Estcourt) would answer it on a future day. As to the course that had been taken since Monday last by the noble Lord, with respect to Supply, the Government did not complain of it; on the contrary, they thought that his willingness in facilitating proceedings so as to help forward the dissolution, was in conformity with his conduct during a long life passed in the service of his country, and with the policy they had themselves adopted under similar circumstances. He (Mr. Sotheron Estcourt), however, could not help remarking on the tone of the speech which was delivered by the noble Lord in the course of the discussion. He would not undertake to say whether the expressions commented on were exactly those used by the noble Lord, but the tone which the noble Lord adopted in the course of the debate upon the Bill lately thrown out was that of absolute defiance. It was a defiance founded, as it seemed to him, on the idea that it was absolutely impossible for the Government to have recourse to the alternative of a dissolution. The noble Lord recommended to them a course which he would not have followed—a course of conduct which, as a gentleman, he (Mr. Sotheron Estcourt), for one, should not feel himself justified in adopting, and a course which he did not believe any of the sections into which the House was split, if any of them had been placed on the Treasury bench, would for one moment have thought of following. He must say, that he was not surprised that—when, like two adversaries about to retire for a moment, they were about to collect their forces for the battle —when the noble Lord, too, knew that the grave responsibility of the Government had been increased by what had occurred—there should be an attempt to fasten responsibility from one side of the House to the other; but he (Mr. Sotheron Estcourt) thought, with the hon. Member for Dovor (Mr. Bernal Osborne) that they might very well adjourn this question to the hustings. The right hon. Member for Radnor (Sir George Lewis) when he appeared before his constituents, would probably put the issue as he had already stated it, and no doubt he would call upon them to give him their support. The Government alleged, however, that they were defeated in an attempt to carry through a Reform Bill, and were prevented from the fair consideration of the question by a combination of parties. They did not accept their defeat as a defeat of their measure, but simply as an interruption of the proceedings of the Government, and as a proof that Government did not possess that which they never supposed themselves to possess—the implicit confidence of a majority of the House. The real question at issue for the country to consider was, whether the Government of the country should be carried on by the present advisers of Her Majesty, or whether power should be transferred to other hands. The Government had done their duty conscientiously and under a deep sense of responsibility, and it would be for Parliament, when it should re-assemble, to determine whether right rested with the Government or with those who impugned their policy.

Mr. LINDSAY said, that the hon. and learned Member for Wallingford (Mr. Malins) had complained of several votes which had been given by hon. Members on the Opposition side of the House. Now, if the recent question had been as to the conduct of the present Administration, he for one would not have voted against them. For, so far as he could judge, they had conducted the business of the country well and wisely. He must, however, state that the issue before the country would not be "confidence or not in their administration of affairs." The Government had laid upon the table of the House a Bill which he (Mr. Lindsay) believed to be erroneous in principle and crude in its construction. The time to deal with the fundamental principles of the Bill was upon the second reading, and he had no other course left to him but to support the Resolution of the noble Lord, and with regret he did support it, because he thought it would lead to the overthrow of a Government which in more than one respect possessed his perfect confidence.

SALUTING ROMAN CATHOLIC PROCESSIONS.—OBSERVATIONS.

Sir ANDREW AGNEW said, that a short time since the Minister of War had stated that henceforward the circular of Lord Hill would be strictly carried out, and "therefore the Host would not in future be saluted." Now, the third paragraph of the circular expressly directed the sentries to salute, and if that order was carried into effect the very evil complained of would arise. He hoped the right hon. and gallant General would be induced to reconsider the matter. He also wished to ask the Lord Advocate when the Royal Commission for inquiring into the working of the Forbes Mackenzie Act would be issued.

General PEEL said, he must repeat what had been stated on a former occasion, that the order issued by Lord Hill had not been altered.

PUBLIC-HOUSES (SCOTLAND).

QUESTION.

The LORD ADVOCATE said, that with reference to the question put to himself by the hon. Baronet (Sir A. Agnew), the terms of the Commission and the Commissioners of Inquiry on the public-houses question were arranged and completed. The formal part of the affair — namely, the issuing of the Commission, only remained. The delay that occurred was occasioned by the desire of the Government to obtain such Commissioners as would be approved of in Scotland. Whether they were successful or not in that object remained to be seen. For the last day or two he was anxious to obtain the services of a noble Lord as a Commissioner, but owing to private circumstances, he was sorry to say the public would be deprived of the advantage of the noble Lord's services.

Sir ANDREW AGNEW asked, whether there was any reasonable prospect of the Commission issuing before Easter?

The LORD ADVOCATE said, he saw nothing to prevent it. The issuing of the Commission, which was merely formal, was the only step now to be taken.

NAVAL EXPENDITURE IN CHINA.

QUESTION.

Sir HENRY WILLOUGHBY said, he had taken no part in the late great debate, but he had taken a small share in that on the Reform Bill of 1832, and he then came to the conclusion that when a question of this kind was raised it ought to be finally settled as soon as possible, or it would lead to a complete paralysis of public business. On that account he regretted that the Government Bill had not been read a second time, as it might have been altered in Committee. He had risen, pursuant to the notice he had given, to ask the First Lord of the Admiralty to give some explanation of the excess of the naval expenditure for the year ending the 31st of March, 1858, over the amount voted and appropriated. The excess was no less than £828,596. It was stated the excess arose from closing up the accounts of the Russian war, but he would wish for some explanation. He would also wish to know what was the position of the expenditure on the war in China. A vote of £400,000 had been taken on account, but no explanation had been given, nor had any further vote been asked for. He wished to know whether all the Chinese bills had been paid?

SIR JOHN PAKINGTON said, he would answer both questions in Committee. He could not then do so, having already spoken on the question before the House.

INCUMBERED ESTATES COURT (IRELAND).—EXPLANATION.

LORD NAAS said, he wished to correct a statement which had been made in his absence by the hon. Member for Dovor (Mr. Bernal Osborne) as to an appointment in Ireland. He thought it would have been more courteous if the hon. Member had given notice of his intention before putting the question. He had stated, however, that an appointment had been made to the Incumbered Estates Court in direct opposition to the report of the Commission, and in the face of a decreasing business in the Court. Now, it was not made in direct opposition to, but in conformity with, the law and the provisions of an Act passed last year. The question was then fully discussed as to whether there should be two or three Judges of the Court. The Government thought there should be two only, but the House was of a different opinion, and after considerable discussion, and in deference to that opinion, it was determined that the Court should consist of three Judges. With regard to the business of the Court decreasing, a more unfair statement than that of the hon. Gentleman he had never heard in that House. The Court, as newly constituted, had not been long in existence, so that no fair criterion could be formed as to what its future business would be likely to be. Sufficient time had not been afforded those who wished to avail themselves of the Court to bring their cases into it, and time had been required to revise the rules. But as soon as the Court could get into fair working there was good reason to believe that its business would be increased, and that there would be ample employment for three Judges. There was also every reason to believe that the Court would be self-supporting. At any rate, the appointment made would not create an extra charge on the Treasury, because if there were only two Judges their salaries would have to be increased.

MR. MELLOR said, that the explanation of the noble Lord was altogether incorrect. It was last year thoroughly understood that the business of the Court would be speculative, and the Attorney General for Ireland deprecated the appointment of three Judges, because he said two would be quite sufficient for all purposes; but it was thought that as Mr. Hargreaves was about to be pensioned off at his full salary, the country might as well have the advantage of his services. In the event, however, of his transference to England, where it was proposed to establish an Estates Court, the understanding was that the vacancy in Dublin would not be filled up. In his opinion a more rash and ill-considered appointment could not have been made, and he could not compliment the Government upon a desire to save the public money. It was a mere evasion to say the salaries of the Judges would not be paid by the country. They were paid by the suitors' fees, which was in truth the same thing. He could only repeat that his recollection of what passed last year was entirely different to that of the noble Lord. There was no intention to make a permanent provision for the Judges.

THE HOUSE OF LORDS—PUBLIC EXPENDITURE—POST OFFICE CONTRACT.

OBSERVATIONS.

SIR FRANCIS BARING said, he did not wish to refer to the topic with which this discussion had commenced, but he had always understood that there was an Order of the House against referring to anything that passed in the House of Lords. He fully concurred in the wisdom of that Order. He thought that it was wise to pay such respect to "another assembly," and that they should not amuse themselves or embitter their proceedings by references to what had passed in other places. But he should like to see some reciprocity recognized in regard to that principle. Otherwise, he thought circumstances might arise to render it necessary for the House of Commons to make a revision of that Order. If accusations and attacks were to be made personally upon Members of that House, and when such Members rose in their places to defend themselves, they were to be prevented by the Order of the House from answering those charges, he conceived that such an Order then stood in the way of fairness and justice, and that it should no longer be maintained. He would now proceed to call attention to the subject of which he had given notice :—

> "On going into Committee of Supply on Post Office Estimates to call the attention of the House to the 13th article of the contract entered into by the Government for the conveyance of the mails between England and Ireland, by which the Postmaster General engages to pay the contractors £105,900 out of the revenue of the Post Office, contrary to the provisions of the Act 17 & 18 *Vict.*, c. 94."

They were all aware that in regard to the management of the revenue it had been the old law and practice that all expenses should be paid out of the gross revenue. That, however, was a practice found to be attended with great inconvenience, and to be wrong in principle. In 1854 an Act was passed prohibiting any expenditure for the management of the revenue from being paid out of the revenue, and requiring that it should be paid by money voted by Parliament. Now, the contract to which his notice referred was framed in a way which, in his opinion, was entirely contrary to the Act in question, was wrong in principle, and, as he believed, in law. He had no wish to impute that this contract had been framed intentionally to evade the Act, but only that it was a blunder from copying some old form of contract. Having sat as Chairman of the Public Monies Committee, before which this question had been raised, he felt it his duty to call the attention of the House to it.

SIR STAFFORD NORTHCOTE said, his attention had been already called to the matter, and he would confess that it was an oversight in the contract and had arisen in the manner alluded to. At the same time, it would not have the effect of withdrawing the money from the control of Parliament, because it would be certainly voted by the House. He quite concurred with the right hon. Gentleman in thinking that the clause in question, being an obsolete one, should not appear in any future contract. Nothing was further from the intention of the Government than to depart from the terms of the Act of 1854. He regretted that the events of the Session prevented him from laying on the table of the House the papers, according to which they proposed to carry into effect the recommendations of the Public Monies Committee.

MR. W. WILLIAMS said, he was glad to hear the explanation of the hon. Gentleman, for he viewed the Act of 1854 as one involving a principle of the most important character, and he considered that any violation of it would be most unpardonable.

MR. WILSON said, the hon. Gentleman the Secretary of the Treasury made an observation which he believed was not intended by him to go to the extent its literal meaning implied. He understood the hon. Gentleman to say, although the Post Office, after the contract, might pay the subsidy, yet it would be necessary afterwards for the Government to come to Parliament for a vote on the subject. It was true that an Act was passed requiring the gross revenue to be paid into the Exchequer; yet, in point of fact, the practice was not so, for it was considered more convenient to pay the expenses of the particular department than to draw them from the Exchequer. Although monies were paid by public departments, and although the subsidy referred to might be paid by the Post Office, yet no such money could be paid until after it had been voted. The great distinction between the two cases was this. Although the particular department might pay the money that money could not be paid until after the vote was taken in the House. If this were not the case, it was quite clear, that the whole control of the House would be gone in respect to those matters.

MR. MACKIE said, he wished to ask the learned Lord Advocate when the Report of the Lunacy Commissioners for Scotland would be laid upon the table.

VISCOUNT PALMERSTON ON REFORM. QUESTION.

SIR DENHAM NORREYS: Sir, I wish to give notice to the noble Viscount the Member for Tiverton (Viscount Palmerston) that upon a future occasion, when the noble Viscount can more properly reply, I shall ask him whether he will be kind enough to be more precise in his information to the House as to his agreement with the noble Lord the Member for London (Lord John Russell) in respect to the Reform Bill; whether the noble Viscount will condescend to state what he proposes to do in respect to small boroughs that are only represented by one Member?

SUPPLY.—CIVIL SERVICES ESTIMATES.

House in Committee.

(1) £2,000,000, Exchequer Bonds.

VISCOUNT PALMERSTON: Perhaps,

Sir, the Committee will allow me to answer the question put to me by the hon. Baronet. I will not occupy your attention for more than a moment [*Cries of* "Order, order!"] upon which the noble Viscount resumed his seat.

Sir HENRY WILLOUGHBY said, he wished to call the attention of the Committee to the fact that a hope had been held out by the Chancellor of the Exchequer last Session that £1,000,000 of these bonds would be paid off, and that there would consequently be only £1,000,000 of those Exchequer bonds to provide for.

Sir STAFFORD NORTHCOTE said, the additional million had been issued. That, however, was a matter to be explained in the general financial statement when it came under consideration.

Mr. W. WILLIAMS remarked, that the point was this—there had been £2,000,000 of Exchequer bonds issued instead of paying off £2,000,000 according to a solemn engagement entered into by the Government.

Mr. WILSON observed that this was too important a step to be taken as a mere matter of form. They ought not to be called upon to discuss it in so small a House. The Committee were asked to repudiate a distinct engagement entered into with the public for the repayment of £2,000,000 of the public debt. He contended that there was a specific agreement entered into that those Exchequer bonds should be paid off in a specific time. The Government paid higher for the money in consequence, for it could have been borrowed upon more favourable terms. Last year it was one of the most difficult points with the Chancellor of the Exchequer to obtain the assent of the House to the renewal of the £2,000,000 Exchequer bonds, instead of paying them out of the ways and means of the year; but the obligation once disregarded it seems easier to disregard it on a second occasion. The obligation entered into by the Government was broken last year, and that too, without the Chancellor of the Exchequer thinking it necessary to come down to the House to offer any explanation on the matters. There was a large increase of the receipts in the present year from one source in particular, namely, from the sale of old stores, the most expensive mode by which the Exchequer could be replenished. Notwithstanding the receipts had increased about £1,500,000 since the last financial statement of the Chancellor of the Exchequer, the Government were now about to break the engagement they had deliberately entered into with the public.

Sir STAFFORD NORTHCOTE explained that what the House was asked to do was to authorize the Government to pay the Exchequer bonds issued in May, 1854, and redeemable in May, 1859. If the House were dissolved before the 8th May, the Government would not be able to pay off these bonds without a vote authorizing them to do so.

Sir GEORGE LEWIS said, he wished to impress upon the Committee that when the Government asked for votes on account with regard to the public service, they only asked for what was merely necessary to continue the current services of the year. They did not ask the House to assent to any new principle. When this debt was contracted on Exchequer bonds there was a kind of obligation entered into that when they fell due means would be found to discharge them without borrowing money or permanently creating £2,000,000 additional to the national debt. He did not, however, think that the Government could adopt any other course than the one proposed, without previously making the financial statement for the year. It might be difficult, under existing circumstances, to expect even the financial statement. When, however, the dissolution took place two years ago he filled the office of Chancellor of the Exchequer, and he thought it his duty to give a statement before that dissolution. He then proposed to Parliament and obtained its assent to the most material measures for the arrangement of the finances of the year. On the present occasion they were going to a dissolution without any such arrangement, and the House was called upon to authorize Government to pay off £2,000,000 of Exchequer bonds, without knowing on what terms the debt was to be renewed. [Sir Stafford Northcote: It is not to be renewed at all.] Then he presumed that there would be sufficient income from present taxation, or by additional taxation, to pay off these £2,000,000 in the course of the next year. That raised a totally new question for the consideration of the House. Last year £2,000,000 Exchequer bonds fell due, and the Chancellor of the Exchequer said that he would pay off the bonds, but take power at the same time to issue £2,000,000 more; and he held out the hope that the ways and means of the year would be sufficient to pay of £1,000,000.

He saw by the last account that the expectation had not been fulfilled, and the £2,000,000 Exchequer bonds had been re-issued. The House was now called on to vote money to pay off £2,000,000 additional Exchequer bonds; and it ought to know whether it was intended to pay off by re-borrowing, or out of the Ways and Means of the year.

SIR STAFFORD NORTHCOTE said, he could not anticipate the financial statement of the Chancellor of the Exchequer.

SIR GEORGE LEWIS: Then, the House was left in uncertainty on that point. This was a question wholly unconnected with the current service of the year. He wished distinctly to understand whether it was the intention of the Government to defray those £2,000,000 out of the Ways and Means or by re-borrowing. He had his doubts whether the Committee ought to vote this large sum of money without some explanation as to the intentions of Her Majesty's Government.

SIR STAFFORD NORTHCOTE said, the necessity of obtaining a Vote to pay those Bills was obvious. The bonds would become due on the 8th of May, and if faith with the public creditor were to be kept, the Government must have authority to pay him. He understood the hon. Member for Devonport to argue that if the Committee were to give the authority they were now asking for to the Government, it necessarily implied that the Government were to renew the debt in some other way. He protested against that inference altogether. It was not possible for him at that moment to anticipate the financial statement of the Chancellor of the Exchequer. All they asked was to be empowered to keep good faith with the public creditor.

SIR GEORGE LEWIS said, that of course there was nothing objectionable in keeping faith with the public creditor, but that House had certain constitutional rights and one of them was not to grant money until it was satisfied that the money would be properly applied. This was not a mere vote for carrying on the current services of the year, like the payment of soldiers' wages; it was one of an extraordinary character. He did not mean to say that he should ultimately object to this Vote, but the House was entitled, before consenting to it, to know something more than it knew at present. Let the Government state whether it was their intention to pay the £2,000,000 absolutely out of the Ways and Means of the year, or to pay £1,000,000 by re-borrowing, and the other £1,000,000 out of the Ways and Means.

SIR JOHN PAKINGTON said, the right hon. Gentleman (Sir George Lewis) had referred to the constitutional right of that House in respect to matters of finance. But no one had ever called those rights into question. The right hon. Gentleman seemed to think that one of those rights was to enter as largely as possible into questions of finance in the absence of the Chancellor of the Exchequer. He thought that the right hon. Gentleman had largely availed himself of the absence of the Chancellor of the Exchequer to enter into this matter. The right hon. Gentleman could not, he was sure, expect from him (Sir John Pakington), the only Member of the Cabinet present, to enter into this question which was altogether extraneous to his own department, or to anticipate in any degree the financial statement of his right hon. Colleague. But so far as he understood the question, the proposal was, to ask the House for authority to pay off £2,000,000 of a debt which would fall due on a day when it was very well known there would be no Parliament sitting, and for the payment of which the Government had not the means. It was merely a proposal to provide for that emergency. The right hon. Gentleman the Member for Radnor said that the course pursued was unsatisfactory, and that they ought to know before the House of Commons consented to the grant what were the intentions of the Chancellor of the Exchequer with regard to the permanent arrangement on the subject of those bonds. The best explanation he could give was, as his right hon. Friend was not present, that this Vote should be postponed until to-morrow, or some more convenient time. The Government had no desire to take the House by surprise.

SIR CHARLES WOOD said, that the course suggested by the right hon. Baronet might entail an unnecessary loss of time. He believed that there was no real objection to this Vote. It was desirable, however, that some explanation should be given as to whether the debt was to be paid out of Ways and Means or by re-borrowing. Nevertheless, he thought that they might agree to the Vote, upon the understanding that the Chancellor of the Exchequer would enter into an explanation on the subject upon bringing up the Report.

SIR GEORGE LEWIS said, he was

ready to concur in the suggestion of his right hon. Friend that the explanation should be given on bringing up the Report. The right hon. Gentleman the First Lord of the Admiralty made a sort of complaint that this question should be discussed in the absence of the Chancellor of the Exchequer. That was something like the complaint made to the effect that the Members on the Opposition side of the House were responsible for the dissolution of Parliament. He was not responsible for the absence of the Chancellor of the Exchequer, and, as the Vote had been proposed, there was no reasonable ground of complaint on account of comments made in respect to it.

Sir JOHN PAKINGTON said, he did not accuse the right hon. Gentleman of bringing forward this question improperly. As to the responsibility of the dissolution of Parliament, he (Sir John Pakington) thought that the right hon. Gentleman and his Friends were exclusively responsible for that proceeding.

Mr. W. WILLIAMS said, he trusted that the Vote would be postponed, and that the Committee would not consent to Vote £2,000,000 without knowing whether the money was to be paid out of the Ways and Means or borrowed.

Mr. MALINS observed, that this was a public debt which would fall due early in May, and the public honour required that it should be properly met; but the right hon. Member for Radnor (Sir George Lewis) and the hon. Member for Lambeth (Mr. W. Williams) wished the Chancellor of the Exchequer to explain whether this debt was to be wholly discharged out of the revenue, whether it was to be continued, or whether it was to be partially paid off. It would, however, be impossible for the Chancellor of the Exchequer to afford the explanation requested without entering fully into a statement of the general finances of the country, and he thought it would be most unfair to force the right hon. Gentleman to adopt such a course in the present condition of public affairs. He hoped the Vote would now be agreed to, leaving the Chancellor of the Exchequer to make any statement he might think necessary on the Report.

Mr. WILSON said, he did not object to the Vote being taken, but as in the middle of last week the Government balances were £500,000 below their engagements, and that amount of deficiency bills was required to make up the quarterly statement, it was not probable that in the course of four or five weeks the excess of revenue over expenditure would enable the Government to meet these bonds out of their existing balances without some financial arrangement. He thought, therefore, that the House was entitled to some explanation on the subject, either now or on the bringing up of the Report.

Colonel SYKES said, he wished to ask whether the Government had the money in hand, or would have to borrow it?

Sir JOHN PAKINGTON replied, that the money was in hand; and the only question was, whether Parliament would authorise its appropriation.

Sir HENRY WILLOUGHBY said, there was no question as to the renewal of the bonds, but the Committee were asked to provide for their payment, and any explanation that was needed would, no doubt, be afforded by the Chancellor of the Exchequer on a future occasion.

Sir GEORGE LEWIS said, he thought the best course would be to agree to the Vote, but he maintained that, before it was finally sanctioned, the House ought to be informed whether it was intended that the debt should be extinguished out of the Ways and Means of the year, or whether the Government meant to extinguish it simply by the creation of a new loan. That was a reasonable question, and as he understood there was an engagement on the part of the Government that it should be answered on a future occasion, he would suggest that the Vote should be now agreed to.

Sir JOHN PAKINGTON said, that as the matter was put by the right hon. Baronet (Sir George Lewis), the explanation required would involve a general financial statement for the year. What he (Sir John Pakington) had intended to state was, that the money was in hand to pay off £2.000,000, but he had not meant in any way to compromise his right hon. Friend the Chancellor of the Exchequer, or to anticipate the financial statement which it might be his right hon. Friend's duty to make. He did not dispute the right of the right hon. Gentleman opposite to put his question, but if he made his assent to the Vote conditional upon the answer he might receive, the better course would be to postpone the Vote to another evening, when the Chancellor of the Exchequer would be prepared to afford an explanation. If, however, the right hon. Gentleman did not make such a condition, the money might now be voted, and the explanation might be given on the Report.

SIR GEORGE LEWIS said, he thought it was desirable that the Vote should now be taken, but the House was entitled to some further explanation, which might with perfect propriety be given upon the Report.

SIR HENRY WILLOUGHBY said, he had always strongly objected to this mode of raising money which had deranged our finances ever since the Crimean war. These bonds were issued, in the first instance, to the amount of £6,000,000. He believed that of that amount £2,000,000 had been extinguished, and he wished to know whether £4,000,000 was yet due?

SIR STAFFORD NORTHCOTE was understood to say that none of the bonds in question had been extinguished, but he believed they were all out.

Vote *agreed to;* as were also,

(2.) £13,277,400, Exchequer bills, and

(3.) £1,125,000, on account, Revenue Departments.

Motion made, and Question proposed,—

"That a sum not exceeding £1,854,000, be granted to Her Majesty, on account, for or towards defraying the Charge of certain Civil Services, to the 31st day of March, 1860."

MR. LINDSAY said, he rose to inquire as to the nature of the works at Kingstown Harbour, for which there was an item of £10,000?

LORD NAAS stated that it was to carry on the works in progress there.

SIR GEORGE LEWIS said, he wished to ask if it was intended to have an Appropriation Act?

SIR STAFFORD NORTHCOTE said, it was, and the various Votes would be set out in the Act.

MR. LINDSAY said, he would beg to draw attention to the fact that the Votes on account of the Harbours of Dover and Alderney had been omitted.

MR. BERNAL OSBORNE said, he hoped the right hon. Gentleman would afford some explicit explanation respecting Dover Harbour.

MR. WILSON observed, that taking the Vote *in cumulo* would embarrass the Appropriation Act. He, when Secretary of the Treasury, took a Vote on each item, and thus he was able to particularize them in the Appropriation Act.

SIR HENRY WILLOUGHBY remarked, that in 1857 there had been two Appropriation Acts—one following a Vote *in cumulo,* and the other a series of Votes.

SIR JOHN PAKINGTON observed, that he was not aware that, in the preparation of these Votes on account, any Estimate for the works at the harbours referred to had been omitted. He would certainly have asked for a Vote on account, because he was satisfied that it was most desirable to proceed with the works in question, and he hoped that before the new Parliament met, the hon. Member for Tynemouth (Mr. Lindsay) would reconsider his avowed intention to oppose all Votes for these purposes. The question fairly open to the decision of the House was one of degree—how much further the works at these two harbours should be carried; but he hoped that no hon. Gentleman would endeavour to induce the House to stop altogether these important works which had been carried on at great cost for a series of years. The abandonment of the works in their present state would be a course most injurious to the public interest.

MR. LINDSAY said, that he was one of the Commissioners appointed to inquire into the subject of Harbours of Refuge, and he had devoted three or four months to that inquiry. The harbour of Dover had not been inquired into, but he collected a good deal of information with respect to Dover, which, with the permission of the Committee, he would lay before them. If they went on with the construction of Dover on the small plan of Mr. Walker, it would cost £4,500,000, in his opinion, while the large plan would cost £6,000,000. He would put it to the right hon. Gentleman whether the better course would not be to complete the harbour as a packet station, without expending enormous sums with the view of rendering it available for military purposes. He thought the proper course would be to proceed in the first instance with the construction of harbours which were necessary for the convenience and safety of the mercantile navy, delaying further expenditure upon such works as those at Dover and Alderney.

THE CHAIRMAN intimated that the hon. Gentleman was out of order in discussing the question of Harbours of Refuge on that Vote.

MR. LINDSAY said, in that case he would simply move that the Vote be reduced by the £10,000.

Amendment proposed, to reduce the sum by £10,000.

Question proposed, "That the sum be reduced by £10,000."

Sir CHARLES WOOD said, he hoped the hon. Gentleman would not press his Amendment, as the Government, in taking a Vote on account, would undoubtedly limit their expenditure to purposes of absolute necessity, until the Estimate was brought as a whole before the House, when the question could be fully discussed.

Mr. LINDSAY observed, that if this suggestion were acted on, he would withdraw his Amendment.

Lord NAAS said, the Vote in this respect was only intended for the continuance of the works already commenced.

Sir STAFFORD NORTHCOTE said, he wished to state that the Appropriation Act would take the form of that of 1857.

Sir HENRY WILLOUGHBY expressed a hope that the Appropriation Act would set out the details, and that these would be submitted to the House in print.

Amendment, by leave, *withdrawn.*

Mr. EDWIN JAMES said, as this Vote included the costs of the Probate and Divorce Courts, he wished to take the opportunity of calling attention to the state of business in the Marriage and Divorce Court. The most serious complaints were made of the large arrear of business in that Court, which amounted, he believed, at the commencement of the term, to about 150 causes. It was due to the learned and able Judge who presided over the Court to say, that he was untiring in his exertions to cope with the pressure of business, so that with reference to the probate causes which came under his separate jurisdiction as Judge Ordinary, there was an arrear of only nine cases. It was, however, necessary that the Judges should attend the full Court, and the arrears had arisen, not from any want of industry on the part of the learned Judge Ordinary, but from the difficulty he had experienced in obtaining the assistance of other learned Judges. In cases of such a peculiar character as those which came before this Court delays were attended with much more serious inconvenience to the suitors than in cases of ordinary litigation where questions of property were concerned, and he had received many applications from persons who had instituted proceedings for divorce, who complained, that although their cases had been set down in the month of October last, there was no probability of their being decided until next November. So far as the Judge Ordinary was concerned, he had devoted himself with the most untiring industry to the transaction of the business of his Court, but the question was, whether additional Judges ought not to be appointed, and he hoped the subject would receive the immediate and serious attention of Her Majesty's Government.

The ATTORNEY GENERAL said, he was deeply sensible of the great public inconvenience resulting from the state of affairs which had been brought under the notice of the Committee by the hon. and learned Member for Marylebone; but it was one thing to express—as he (the Attorney General) now did—his regret that the public should have been exposed to such serious inconveniences, and another, and a more difficult thing, to suggest a remedy under existing circumstances, and at the present moment. Notwithstanding the great ability and the close application of the learned Judge who presided over the Divorce Court, it was found impracticable to carry on the business of that Court with the same despatch as, he was glad to say, now prevailed in all the other Courts of the kingdom, and it was quite obvious that no effectual remedy could be applied except by the creation of additional Judges. The Committee were aware that under the existing law, in order to constitute a complete Divorce Court the attendance of certain of the common law Judges was indispensable; but those Judges, in consequence of their other numerous occupations, had found it impossible to attend in sufficient numbers and with sufficient regularity to carry on effectively the business of the Court. Efforts had been made by the learned Judges to assist Sir C. Cresswell, the Judge of the Divorce Court, but it had been found utterly impracticable to keep down the arrears of business. The subject had, of course, attracted the serious attention of Her Majesty's Government, and he hoped that a remedy might be applied at the earliest possible moment; but looking to the present state of public business and the approaching dissolution of Parliament, as well as the difference in opinion which existed as to the number, qualification and station of the Judges to be appointed, it was evidently almost impossible that any step could be taken until the new Parliament assembled. He could assure the Committee that not only had the matter engaged the attention of the Government, but that he would lose no time in communicating with noble and learned

Friends in the other House, with the view of ascertaining whether it was possible during the short remaining period of the present Session to apply a practical and efficient remedy to the grievances which the hon. and learned Member for Marylebone had brought under the notice of the Committee.

Mr. MALINS said, he believed that the present state of the Court for Divorce and Matrimonial causes was a great public evil, owing to the narrow area to which the selection of the Judges for the consideration of the full Court was limited it could not be assembled oftener than once in two months. The Committee had also been informed that there were not less than 150 cases in arrear, some of which had been waiting ever since October last, whilst there was no possibility of their being disposed of before November next. Now, that was a state of things which existed in no other tribunal in the country. In the Court of Chancery, for instance, it was never known that a case had to wait more than six weeks for hearing; and on the rising of that Court on the 26th of last month, virtually not a single case was left undisposed of. The hon. and learned Member for Marylebone was quite right in stating that if there were any part of the law on which there should be no delay, it was where an application had been made for a divorce; because, if the application were well founded, they could not too speedily have the question decided: whereas, if it were unfounded, they could not too speedily relieve families from that state of uncertainty and misery in which such an application must necessarily involve them. The delay, he feared, would continue certainly until June, and perhaps during the present year. He regretted that nothing could be done before the assembling of a new Parliament with a view to provide a remedy, and he apprehended that even when the new Parliament had met no remedy would be immediately applied. He trusted, however, that his hon. and learned Friend (the Attorney General) either in the present or early in the next Session would take an opportunity of setting a matter right which so loudly called for correction.

Original Question put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

(5). £20,000 on account, Scientific Branches of the Navy.

Sir JOHN PAKINGTON: It now becomes my duty to ask the Committee to agree to certain Votes on account of the Navy Estimates, and first I will place in the Chairman's hands a Vote for £20,000 on account of "the scientific branch" of the service. Before proposing this Vote, however, there are two subjects to which I must ask the permission of the Committee to advert. It will be remembered that on a recent occasion I announced my intention to lay upon the table the report of certain Committees. Amongst those was the Report of the Committee which has been appointed to inquire into the machinery of the navy; I also promised to lay upon the table the Report of the Committee appointed to investigate the dockyard expenditure; and also the report of a confidential Committee appointed by the Government to investigate the causes of the great increase which has lately occurred in the naval expenditure of the country. At a more recent period I further expressed my intention of producing a statement on the part of the Surveyor of the Navy with reference to some observations which have been made in this House by the noble Lord the Member for Sandwich (Lord C. Paget). In consequence, however, of the sudden change of affairs leading to a dissolution of Parliament, I wish to state what is the course I now propose to adopt with reference to these four important reports. I am very sorry to say, with regard to the important report from the Committee on dockyard expenditure, that it is not yet in my power to present it to the House, the Committee engaged in preparing it not having yet completed their labours. The other three reports I have already laid upon the table. Three or four evenings ago I produced a report of the Committee on machinery, the report of the confidential Committee on the increase in the Navy Estimates, and the statement of the Surveyor of the Navy, in answer to the noble Lord the Member for Sandwich; and I wish to take this opportunity of saying what I accidentally omitted to state on an earlier day, that Sir Baldwin Walker has repeatedly expressed to me his anxious desire to face in the most prompt, open, and candid manner the statements which have been made by the noble Lord the Member for Sandwich. So far as Sir Baldwin Walker has been able to meet those statements in writing he has done so. His report is not yet printed and in the hands of hon. Members; but I believe, that so far as it is in the power of the ship-building department of the Navy to meet the allegations of the noble Lord in writing that has been done, and the report will be in the hands of hon. Members in the course of a very few days. In that written statement Sir Baldwin Walker has gone fully into the allegation of the noble Lord that £5,000,000 of the public money has been wasted in reckless expenditure during the last eleven years; and into the further allegation of the noble Lord that, with respect to certain ships which he named, there has been a reckless and unnecessary expenditure in altering those ships from time to time, while in course of construction. Speaking on behalf—I was going to say of the Admiralty—but the present Board has so little to do with the matter that I ought perhaps rather to say our predecessors in office—and on the part of Sir Baldwin Walker and the shipbuilding department, I must say that I deeply regret that the sudden dissolution of the present Parliament will put it out of my power to take the course I intended, and which I certainly should have taken as soon as possible, namely, to move the appointment of a Committee, to be constituted in the fairest and most impartial manner that any such tribunal can be constituted, to inquire into the truth and accuracy of the allegations of the noble Lord, and to report how far the noble Lord is, or is not borne out in the statements which he has made to the House. In the present state of public affairs of course, I have no alternative but to wait the assembling of a new Parliament before these serious allegations can be investigated by any tribunal composed of Members of this House. I must therefore, limit myself to the expression of a hope, that the written statement of Sir Baldwin Walker, which he has made as fully as possible, will have the effect of removing the erroneous impressions which the speech of the noble Lord has created. At all events I am quite sure that it will have the effect of inducing the Members of this House and the public to suspend their judgment with regard to the allegations of the noble Lord until a full investigation has taken place; but I hope that the information furnished will be found sufficiently complete to dispel these impressions. The other subject to which I would refer is that contained in the inquiry addressed to me by my hon. Friend the Member for Evesham (Sir H. Willoughby). My hon. Friend has stated that the sum voted for the year ending March, 1858, amounted to £9,172,590, and that the total expenditure for that year was £9,962,839; and he asks for an explanation of the excess amounting to £790,249. Now, my explanation is this. The greater part of that sum was made up of two large items; the first connected with the war with Russia, and the second with the war in China. The sum of £264,923 was incurred on account of arrears and claims for the expense of the late Russian war, and for which no Vote was taken, provision having been made already for it under an extraordinary Vote of credit. The second sum was a balance of £390,942, to which I adverted on a former evening, and which was moved for last year. That was taken out of the £400,000, which was voted by the House to cover the expenditure of the war in China. These two sums, with £133,383 in excess, some of it upon one Vote and some upon another, in the Estimates of the year, make the total of £790,249. This explanation, I hope, will be satisfactory to my hon. Friend.

SIR HENRY WILLOUGHBY: Are there any outstanding accounts for the China war?

SIR JOHN PAKINGTON: I am not aware of any outstanding accounts connected with the Navy.

LORD CLARENCE PAGET observed, he would say but one or two words in answer to what has fallen from the right hon. Gentleman. He had already said, and he would again repeat, that in the statements he had made with reference to the navy, he never had the slightest intention of making a charge of any description against any gentleman connected with the Admiralty or the naval department. He had only, to the best of his ability as a naval officer, calculated what he thought was the expenditure upon the navy, guarding himself at the time by saying, that he should be very much obliged to his right hon. Friend if he could contradict the figures laid before the House. By the courtesy of his friend, Sir Baldwin Walker, he had, during the last half-hour been furnished with a copy of the paper written by the Surveyor of the Navy. Of course, he could not be expected now to enter into details, but he was bound to say that in that document he saw no substantial contradiction to the statements he had made respecting the alteration of certain ships. Be that as it might, he hoped that in the new Parliament a Committee would be appointed which would go very seriously into this expenditure in shipbuilding. Meanwhile he would venture to make a suggestion to his right hon. Friend, which he believed would be approved of both by the country and by Parliament—that he should come prepared to lay the Estimates before the new House of Commons in a more satisfactory form. In making the statement which he addressed to the House the other night, he (Lord C. Paget) had a vague idea that he was not asking for anything unprecedented; that in former days the Naval Estimates were prepared exactly in the form which he wished to see adopted, and that it was only within the last forty years that they had assumed their present unsatisfactory shape. Now, he had consulted old Navy Estimates, and taking those from 1811 to 1819, he found the ships' names given in a tabular form, as he wished now to see, with the number of their guns, whether building, or what was the nature of their repairs, the time when they were taken in hand, and when they would be completed, the charge for the hulls, masts, yards, rigging and stores, while the total charge was given in another column. Even during the French war, the name of every ship in the navy was thus set forth, and the most detailed information was furnished to the House, at a time when it was of importance that the French should not be acquainted with our resources. He would now explain how it was that the House of Commons came to be mystified. The lesson was instructive, and he hoped his right hon. Friend would profit by it. He had received a letter from Admiral Tucker, who had sent him a pamphlet published in 1849, addressed to the right hon. Member for Portsmouth (Sir F. Baring) who was then at the head of the Admiralty. It was at the time when a Committee was sitting on our naval expenditure, and this gentleman, who was thoroughly acquainted with naval affairs, recommended certain reforms, particularly advocating among other things that there should be a detailed estimate of ships building and in course of alteration, as had been the case in former years:—

> "Formerly," he says, "and until the year 1819, the Navy Estimates used to contain, for each ship in course of building or repair, the following columns of information:—1. Name of the yard, royal or merchant, at home or abroad. 2. That of each ship. 3. Whether building, or nature of the repairs, and whether contracted for, or not; and whether Government did or did not supply any part of the materials. 4 and 5. The time when each ship was taken in hand, and when to be completed. 6 and 7. Charge for that year of hull, masts, yards, stores, &c., of that ship. 8. Total cost of the identical ship for that year. With such annual information it was very easy to watch some of the conduct of the Board of Admiralty."

The reason for adopting the present form of Estimates was thus stated:—

> "At the end of 1818 terminated some communications which my father, who had been Lord St. Vincent's secretary, and second secretary to the Board of Admiralty, and who all his life attended to naval affairs, had, by Lord St. Vincent's command, with Lord Melville, respecting the progress of work in our dockyards; when some of my father's statements were ascertained to be so very accurate, that he was supposed to have obtained sight of an official document which ought to have been considered confidential. To remove that impression he attended at the Board of Admiralty, and he did so to the 'entire conviction' of Lord Melville and of the Board. A part of the conversation (of every word of which I retain a memorandum) is to the present point. 'You have stated, Mr. Tucker,' said Lord Melville, 'that eight sail-of-the-line is the average annual produce of the yards. How did you get at that information?' 'From the Navy Estimates.' 'How so?' asked a Sea Lord? 'How? why thus:—The Navy Estimates show every line-of-battle ship building and repairing, and when she is expected to be finished, and by comparing the Estimates of one year with another, it will be seen when any ship had been launched or put out of dock.' The Members of the Board looked at each other and said nothing; but the very next Navy Estimates assumed the very unintelligible form in which, as regards ships, they have ever since appeared; while upon ever other head they have ever since, year after year, given clearer and clearer informaion."

In a letter accompanying the pamphlet, Admiral Tucker said, the old system was put a stop to by Sir G. Cockburn, who, on learning that his father got his figures from the Navy Estimates, said, "I will take care you do not get them for the future." Here, then, was the mystery solved, and he hoped his right hon. Friend, perceiving that what was asked for was no new thing, would be disposed to grant that which in itself was but a reasonable demand.

Sir JOHN PAKINGTON said, he could assure his noble and gallant Friend that he should always be happy to receive a lesson from whatever quarter it came, provided only it was a good one; and he thought he might venture to say that he had already afforded proof to this House that he had no desire for any concealment in these matters, of anything which it was desirable for the public service should be made known. He would, therefore, at once accept the suggestion of his noble Friend, and during the recess turn his attention to the subject. It would be his duty to prepare fresh Estimates after the recess, and he would consider in a *bonâ fide* spirit how far it would be consistent with his public duty to do so in a fuller shape than at present.

MR. LINDSAY remarked, that he saw from the newspapers that tenders had been invited for steam machinery, the supply of which used formerly to be confined to two or three firms. He should like to hear from the right hon. Baronet the price at which the engines were obtained by open competition, as compared with that given when a practical monopoly existed. Another point to which he wished to draw attention was, as to the anchors supplied to the Admiralty. Some seven or eight years ago he served on a Committee which condemned the Admiralty anchor as the worst of several which were examined, but this condemned anchor had, nevertheless, continued in use on board Her Majesty's ships ever since, while the supply remained a monopoly in the hands of the same individual, and the country had continued to pay the monopoly price. He should be glad to hear from the First Lord an explanation upon this point.

SIR GEORGE PECHELL said, he was of opinion that the Vote for the scientific branch was one of the best in the Naval Estimates. He felt satisfied that his gallant Friend Sir Baldwin Walker had done his duty as Surveyor of the Navy. He wished now to ask the right hon. Gentleman (Sir John Pakington) whether he had had his attention drawn to the excellent plan invented by Captain Kynaston, of the Royal Navy, for lowering and raising ships' boats at sea. He understood that the apparatus had been supplied to Her Majesty's ships *Diadem, Euryalus, Royal Albert, Avon, Argus, St. Jean d'Acre*, and others; and he perceived by recent accounts from Alexandria, that whilst the *Euryalus* was running eight knots an hour, an able seaman, named William Childs, fell overboard, and that by means of this apparatus, a boat twenty feet long was lowered, fitted with lifeboat hooks, and that the man and the boat's crew were rescued without difficulty, although they were on the weather side of the ship. At present, Captain Kynaston was on a bed of sickness, and he was sure that it would be even more gratifying to him than promotion to receive the testimony of the approval by the Admiralty of his invention.

SIR CHARLES NAPIER said, he trusted that any Committee which might be appointed in the new Parliament would begin at the beginning, and inquire into the constitution of the Board of Admiralty, and so proceed downwards to the dockyards. The House and the country were greatly indebted to present the Board of Admiralty for organizing a Channel squadron, but he wanted to know what had been the use of the six, or seven, or nine sail-of-the-line which composed it? The ships had been lying idle in harbour, and the officers and men were gaining no experience whatever. When the present state of Europe was taken into consideration, he did not think the Navy ought to be allowed to remain idle, and he should therefore express a hope that the First Lord of the Admiralty would issue orders to the effect that the Channel squadron should move about from place to place, so that a more perfect practical knowledge of its duties might be ensured.

SIR JOHN PAKINGTON observed, that he thought the hon. and gallant Admiral's anxiety for the efficiency of the fleet carried him occasionally beyond the bounds of accuracy. The hon. and gallant Admiral began his statement by saying we had in some way or other a Channel squadron of six or seven sail-of-the-line; but before he sat down he talked of that squadron as amounting to nine sail-of-the-line. Now what did the hon. and gallant Admiral mean by that inconsistency? The Admiralty did not want to take credit for more than they had done; but the Channel fleet really consisted of ten sail-of-the-line and six frigates, some of the latter being amongst the most powerful and efficient frigates ever seen in this country. [Sir CHARLES NAPIER: Hear, hear!] The hon. and gallant Admiral, moreover, not content with making contradictory statements, had proceeded to lecture the Board of Admiralty with respect to the places in which the Channel squadron was kept. In his opinion, however, it must be left to the Admiralty and the officers commanding to decide when the fleet ought to go to sea and when it ought to stay at home. This was a matter on which he could not take counsel from even so high an authority as the hon. and gallant Admiral himself. He could assure the Committee that the Admiralty were fully alive to the importance of improving the discipline of the squadron, and would leave nothing undone to effect that object. In reply to the observations of the hon. Member for Tynemouth (Mr. Lindsay) as to extension of the area within which tenders for steam-engines might be received, he could only say that the monopoly which formerly existed—if it were a monopoly—had been destroyed, and that several houses had been invited to send in such tenders. He trusted, however, that he should be excused if he did not enter further into detail on the subject on the present occasion. His hon. Friend had next proceeded to advert to the costliness and inferiority of the anchor used by the Admiralty as contrasted with that which might be obtained in other quarters; but the Committee would, he trusted, suspend their judgment on that point until certain returns which he had moved for had been laid upon the table of the House. When the information which might be gathered from those returns was supplied it would, he thought, be found that the Admiralty anchor was neither so inferior nor so costly as his hon. Friend seemed to suppose. With regard to the question asked by the hon. and gallant Baronet (Sir George Pechell) on the subject of Captain Kynaston's invention for lowering boats, an experiment had been tried with that invention on board the *Diadem*, but it was tried when she was at anchor, and not when she was under weigh. He regretted the illness of the gallant Captain, to whom the country was so much indebted for having devoted his energies to this very important matter. He (Sir John Pakington) hoped the invention might turn out to be successful, but he could pronounce no opinion on that point, as the experiments were only in progress.

Sir CHARLES NAPIER said, he thought that the right hon. Baronet ought to be a little more accurate before he ventured to contradict him. He believed that there were eleven ships-of-the-line in commission, but of these two had been sent to Gibraltar and one to the West Indies. He did not know whether the right hon. Baronet included these in the ships which he had just spoken of. Were the two ships at Gibraltar included by the right hon. Baronet in the Channel fleet? [Sir J. Pakington: Yes.] He did not think it was fair of the First Lord to try and blind the House in that way, and to impute to him (Sir Charles Napier) statements which he had never made, and which he never intended to make.

Sir JOHN PAKINGTON said, he was sorry to find the hon. and gallant Admiral so angry at what he had said. When he spoke of the ten line-of-battle-ships, he meant ships attached to, and connected with, the Channel squadron. The vessels which the gallant Admiral alluded to as having gone to Gibraltar might, in a few days, return; they had never been attached to the Mediterranean fleet, and might, therefore, justly be numbered among the Channel squadron.

Admiral WALCOTT: In justice to the right hon. the First Lord of the Admiralty, I must express my high estimation of the earnest zeal and great ability which have distinguished his administration of the affairs of the navy since his accession to office. Whenever this opportunity occurs, I shall be always ready to appreciate such services to my profession, and openly avow my opinion in any other event. The gallant Admiral (Sir Charles Napier) has with a just emphasis urged the maintenance of the Channel Fleet in the highest state of efficiency, as a matter of primary importance. I am happy to be assured that no officer is more qualified or certain to ensure it than its present commander Admiral Sir Charles Fremantle. The information I have received authorizes me to believe that the Channel squadron is at this moment perfect in the several evolutions of forming in line-of-battle—of order of sailing in divisions—or of taking up anchorage, and in all other duties; and when its services are demanded, will be found prepared to uphold the honour of the country and the distinguished character of the profession.

Mr. LINDSAY said, with reference to the observations made by the right hon. Baronet (Sir John Pakington) with respect to the Admiralty anchor, he could only state he had taken his statement in reference to it from the Report of a Committee of that House, in which it was set forth that the Admiralty anchor was the worst of seven descriptions of anchors which had been brought under their notice. It appeared that the Admiralty, in accordance with their contract, paid at the rate of from £44 10*s*. to £73 10*s*. a ton for their anchors, whereas they could be supplied by other firms at the rate of from £20 10*s*. to £30 a ton. The result was an unnecessary outlay of 120 per cent.

General CODRINGTON said, he would urge upon the Government the necessity of affording the Channel squadron opportunities for manœuvring on the sea. He thought the same principle of active service that was being carried out in the army at Aldershot might with great advantage be applied to the navy. In his opinion the single vessels at Gibraltar and the West Indies could not properly be considered as forming part of the Channel squadron.

Lord LOVAINE said, it was perfectly necessary at times in the Navy, as it was in the army, to detach certain portions of the forces from the main body; and this was precisely what was done in the case of the vessels to which reference had been made. It must not be supposed, however, that two of these vessels so detached for a time did not form part of the squadron for all important purposes.

Vote *agreed to;* as were also

(6.) £50,000, on account, Naval Establishments at Home.

(7.) £8,000, on account, Naval Establishments Abroad.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £450,000, be granted to Her Majesty, on account, towards defraying the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1860.

SIR CHARLES WOOD rose and said: If the present Vote had been proposed in the regular course of the Estimates I should have thought it my duty to make some comments upon it. As this is, however, merely a Vote on account, and as it will be necessary that the question should again be brought under consideration when the new Parliament assembles, I shall abstain from adverting to it further on this occasion. I hope, however, that I may, nevertheless, be permitted to take this opportunity to throw myself on the indulgence of the Committee while I reply to some observations which fell from the First Lord of the Admiralty in his statement in introducing the estimates a few weeks ago, and in which he impugned the conduct of the Board of Admiralty with which I was connected, in not paying sufficient attention to building larger line-of-battle ships, and leaving our navy in a state of relative inferiority as compared with that of the French. This statement, when made, was so contrary to anything which I could have anticipated from the right hon. Gentleman that I was not, at the moment, provided with the necessary documents to enable me to controvert it. I have, however, anxiously waited for this opportunity to reply to it, and, as I hope, successfully, to vindicate the course pursued in this respect by the Government of which I was a Member. The right hon. Baronet said, that the increase in the number of larger line-of-battle ships had not proceeded so rapidly as the requirements of the public service demanded, and, had he confined himself to that assertion, I should have no reason to complain. I frequently had said the same thing, and had taken measures to make good the deficiency. But the right hon. Gentleman went on to say that he asked the House of Commons to assent to a large additional sum for the building of ships, because he was bound to state that, when he succeeded to office, he had not found the navy of the country in a condition adequate to the defence of our coasts. The right hon. Gentleman added that he did not mean to impute any blame in this respect to his predecessors, but I appeal to the Committee to say whether a more serious charge than that which I have just mentioned could have been made against us. My noble and gallant Friend the Member for Sandwich, referring to the observations which fell from the right hon. Baronet on that occasion, remarked that the first object which he seemed to have in view was to make an attack upon those who had preceded him in office; the next, to vindicate his asking for the large sum of money which he asked the House of Commons to vote. I have been asked if we were so ignorant or so regardless of the state of the French navy, as the statement of the right hon. Gentleman implied, if it was true that our shores were not adequately protected? Such imputations were of the most serious character; one, indeed, so serious as, if true, to render our conduct in the opinion of the gallant Admiral near me open to impeachment. I trust, however, that I shall be able to demonstrate to the Committee that the charge is devoid of foundation, and to vindicate the characters of the gallant officers who were associated with me at the Admiralty Board, as well as my own from the aspersion which has been thus cast upon them. The accusation which the right hon. Baronet has made against us resolves itself in point of fact into three heads:—that we neglected to ascertain the state of the French navy; that we did not build an adequate number of ships-of-the-line; and that we left the coasts of this country unprotected so far as its safety depended upon the existence of a sufficient number of screw and other steam ships. I shall now proceed to deal with those three charges. I went to the Admiralty during the progress of the Russian war. The right hon. Baronet who preceded me there had made great exertions to strengthen our navy, and it became my duty to proceed still more vigorously in the same direction in the year 1855, and in the early part of 1856. The result of those efforts was the magnificent fleet which in the spring of the latter year assembled at Spithead, which was alluded to in terms of high praise by the hon. Member for Norfolk, and which I have reason to know excited upon both sides of the Atlantic the greatest admiration of the naval resources of England. It is of course perfectly just to say that our attention had been principally directed to the building of vessels which were required for the purposes of the war in which we were engaged, but it is not correct to state that the building of line-of-battle ships was neglected during the years 1854, 1855, and 1856. It may, under the circumstances, be matter of interest for the Committee to know what was actually accomplished during this period. I will state, then, that the number of steam vessels which was added to our navy during the three years I have just mentioned was:—Line-of-battle ships, 14; frigates, 6; block-ships, 5; mortar ships, 3; corvettes and sloops, 18; floating batteries, 8; gun-vessels, 28; gunboats, 156; troop and store, 10; tenders, &c., 36; making altogether 284 steam vessels; added to which there were 106 mortar vessels constructed. Such was the addition which was made to the steam force of our navy during the last three years of the war. In 1856 came peace, and it of course became necessary to reduce our naval force from the war establishment. No reduction, however, in the rate of building in our dockyards took place for nine months after, and they were not reduced fully to a peace expenditure until the 1st of April, 1857. It became my duty in 1856 to consider the state of our navy with respect to the question of what our peace establishment should be, but I had not an opportunity of making a statement upon the subject until the month of May, 1857. I then entered into a very full explanation with respect to it. I went at considerable length into a comparison between the state of our own and that of the French navy at the time. I adverted to the comparative strength of both at various periods of our history, and I referred to the additional cost of a steam as compared with a sailing fleet. I gave, in short, to the House, as the right hon. Gentleman did the other day, all the information which I possessed on the subject, and I shall now, with the permission of the Committee, quote one or two passages from the speech which I then made, in order to show that from the first day of the peace, we were fully impressed with the necessity of building large vessels. I said on that occasion: "The French are building large and more powerful line-of-battle ships than ourselves. We ought not to be without the means of meeting such vessels." I then proceeded to state that the number o French screw line-of-battle ships was forty, while our own was forty-two, and added that in this list I omitted our block-ships which, though very efficient for certain purposes, could not keep their place in a cruising or blockading squadron. I was followed in the discussion which ensued by the noble Lord the Member for Sandwich. Did he think I had overrated the force of the English navy and underrated that of the French? Far from it. My noble Friend said—

> "The First Lord had stated that we had forty two line of battle ships. The fact was that we had fifty-one, for the nine screw block-ships, which he had excluded from his enumeration of ships-of-the-line, were among the most efficient of our line-of-battle ships."

He then referred to the French naval force He was aware that all the French ships were not efficient and he stated the number only which he believed to be so. He observed:—

> "As reference had been made to the French navy, he might state that he held in his hand a list of their screw line-of-battle ships with which he had been favoured by the French Minister of Marine. They amounted to thirty-one, so that the number of our steam line-of-battle ships was nearly double that of our allies. He was of opinion, therefore, that the first Lord might with great propriety rest upon his oars, and take the opportunity of consulting members of the naval service before he proceeded to add to the number of these vessels. Instead of increasing our line-of-battle ships he should appoint a committee to consider what description of vessels ought to be built."

I did not take the advice of my noble Friend. I proceeded in building ships, and in doing so maintained a number of men in our dockyards, which was condemned by no less an authority than my right hon. Friend the Member for Carlisle. The building in our dockyards depends entirely on the number of men employed, and when once you have more men than are required for fitting ships and repairs, every addition of men is an addition to the building. Now in reducing from the war establishment we did not reduce our dockyards to the peace establishment of the year preceding the war. We reduced it to the war establishment which my right hon, Friend had sanctioned in 1854, and which was 1,200 men stronger than the peace establishment in ordinary times. What did the right hon. Baronet the Member for Carlisle (Sir J. Graham) tell us? He said 10,800 artificers was too great a number to keep up in time of peace. No man is a higher authority on naval matters than my right hon. Friend, but in spite of his opinion, I kept up the larger number of workmen in the yards. As soon therefore as the Russian war was over we turned our attention to building line-of-battle ships, and kept up a larger establishment for that purpose than the right hon. Baronet thought was right during a time of peace. In the course of that year, moreover, I authorized the hiring of additional men, and the excess of wages was £17.000. The amount of building done in 1857 was 50 per cent greater than it was in the year preceding the outbreak of the Russian war, and the result of this appeared in the subsequent year. It must be recollected that the launching of ships depends mainly upon the amount of building done in the preceding year. In 1857, there were added to the Royal Navy 15 steamships, of which only two were line-of-battle ships; while in 1858 there were also 15 ships added to the navy of which 8 were line-of-battle ships. In this year therefore I had increased the total building by one half, and quadrupled the building and converting of ships-of-the-line. In the course of the autumn, however, I came to the conviction that our building was not proceeding as rapidly as was necessry. I went to Portsmouth myself, and I also sent Sir A. Milne and Sir B. Walker the Surveyors of the Navy to other ports, who reported to me upon the subject. Upon their report I prepared the estimates for 1858-9 containing a very considerable increase in the building force of the dockyards. As I have said, the amount of building depends upon the surplus number of men left disposable after providing for the fitting and repair of vessels. The average number of men employed in building in 1857 was 1,600, and we proposed an addition of 1,340 men, or about 83 per cent. It was not my fate to bring on those Estimates, but those figures appeared upon the face of them as prepared by me, and one undeniable proof of what our intentions were. I will now state what was the comparative strength of the English and French Navies in respect of steam line-of-battle ships in the early part of 1858. At that time the French had 22 line-of-battle ships, and we had 25, in addition to 9 block-ships, making a total of 34 vessels fit to take part in any action in the Channel. I have now in my hand a nominal list of the French Navy, and a nominal list of the English Navy made out before I quitted office, and therefore I speak without fear of contradiction. My gallant Friend (Sir Charles Napier) made a similar statement, only that he stated we had 29 vessels and the French 23, but I believe he included in both instances vessels which were being fitted with engines. This statement was made on the 12th of April, and if the gallant Admiral's figures are correct the superiority we had in January had increased. But I must now beg to call into court as the most decisive witness in my favour against the charge of the right hon. Gentleman opposite no less a person than the right hon. Gentleman himself. He, as the Committee are aware, reduced my Estimates, and on the 12th of April when he made his statement I objected to that reduction. I at that time told him I thought he was taking an injudicious step and one prejudicial to the public service by diminishing the Estimates that I had prepared in respect to the outlay for the building of steam line-of-battle ships. The right hon. Baronet upon that occasion said, "The right hon. Member for Halifax had complained that we had not line-of-battle ships enough, and that we had only two more than the French. That was true if only the line-of-battle ships actually afloat were meant, and the block-ships were excluded. He admitted that those block-ships should be superseded by line-of-battle ships as soon as possible, but four or five of those ships were in good condition, and it was not fair to exclude them." The right hon. Baronet also went on to say that if ships building and converting were included, the superiority of England would be still more manifest, and our superiority was more decisive as regarded large frigates. Now, I submit I cannot have a more complete testimony of the condition in which I left the navy. I had no reason to believe that there were any additional exertions being made in the French yards. My noble Friend the Member for Sandwich, who from his acquaintance with French officers had very good opportunities of obtaining information, bore his testimony to this. On the same occasion, after again objecting to laying out any money in building line-of-battle ships, he went on to say that—"he had lately been at Paris and had conversation with French officers on the subject, and whatever reports the late First Lord of the Admiralty might have heard respecting the French navy, he could give him positive information that so far from there being any activity there in building large ships, they were waiting to see what would be done in this country. Sir, I have quoted the right hon. Baronet's words, I now adduce his acts, as more decisive testimony in completely exculpating me from the charge which he has made. The efficiency of the navy in respect of building and repairing ships depends upon three Votes—the one we are now considering for labour in the dockyards, the one for stores, and the Vote for improvements, &c. The right hon. Gentleman reduced every one of those Votes—not hastily—but after having very properly taken a month to consider the Estimates, and then he came down here and spoke of the "prodigious expense" incurred in providing a steam fleet of the "unprecedented force" in the dockyards. He said the pressure for work was only "temporary" and "exceptional." He stated that the reductions he proposed had been very carefully considered, and he was of opinion that the sums originally intended were not, after ample inquiry and deliberation (I quote his own words) required for the efficiency of the service. I had proposed to increase the number of men in the dockyards in order to go on with the building of line-of-battle ships, but the right hon. Gentleman reduced that Vote, and founded his reasons against doing so upon our superiority over the French navy. We are aware of things now which were unknown to us at that time, and it now appears that before then the right hon. Gentleman had received a ,, submission" from the Surveyor of the Navy that the building of line-of-battle ships would, after the proposed reduction, be insufficient for the wants of the country. I should like, too, to know how the right hon. Gentleman dealt with those two officers who formed a portion of his board as they did of mine. They, I know, concurred in my views of the necessity of increasing the building; how he managed to convert them or to overcome their opposition I cannot tell. The right hon. Baronet must either have converted them to his views, or he overruled the opinions of those officers who had the best means of judging what was right to be done. I have had no communication with those gentlemen upon the subject, but the inference from what took place is irresistible that the convictions of the right hon. Gentleman must have been very strong when they enabled him to convert or overrule the opinions of such competent judges. Well, then, if he, after ample consideration and with the fullest information, thought it right to reduce my Estimates because of our superiority over the French navy, I put it to any candid man in this House whether I am fairly liable to the imputation that has now been cast upon me by the right hon. Gentleman that I was ignorant or negligent of the state of the French navy. I think I have pretty well disposed of that charge. There remains the statement of the hon. Gentleman that as regards the number of steam ships, we had left the shores of this country without adequate defence. Before I state what the steam force of our navy was when I quitted office, there is one other point to which I will advert with respect to those block-ships which the right hon. Gentleman last year held in such high esteem, and which he now utterly condemns. [Sir John Pakington: As sea-going ships.] I said in 1857, that I did not consider them as sea-going ships, but the right Hon. Gentleman condemned that view, and expressed a much higher opinion of them then. He has since told us, "I have no hesitation in saying that the block-ships are totally useless."

Sir JOHN PAKINGTON: That is not correct. It is not in my speech, which I have here.

Sir CHARLES WOOD: All I can say is, that I copied these words from *The Times*' report. The right hon. Baronet may, in correcting his speech for publication—and I see he has a copy in his hand—have struck out those words, but they were reported in *The Times* as I have quoted them. I would, however, remind the House that they must not suppose that all the French ships are as fine sea-going ships as our new line-of-battle ships are. There is one of them I know, the *Montebello*, which has only 140-horse power, while the weakest of our block-ships has 200-horse power. I say that for the defence of our coasts, at least, these block-ships are good and efficient, and as available for that service as many of the French ships-of-the-line are for attack. In considering our means of defence, I must, however, be allowed to take into account the numerous vessels of a smaller class which we possessed, and which, as the noble Member for Sandwich said, no line-of-battle ship could resist. I am content to rest my own case, on the larger ships, and I will state them separately, but for the purpose of dispelling the alarm which the speech of the right hon. Gentleman has created, and of showing what our means of defence really were. I must state also the comparative number of smaller vessels. I have a statement of the force in each navy in January, 1858. At that time we had 25 screw line-of-battle ships and the French had 22. We had also nine block-ships and 15 large screw frigates; the French 11 screw frigates. Thus, including the block-ships, we outnumbered the French line-of-battle ships by 34 to 22, and including heavy frigates our superiority was 16 vessels. Taking steam vessels of all other descriptions, large and small, in both countries, I find we had a total of 368, and the French had 144, leaving us a superiority of 224, including the larger ships of 240. Whether with that amount of force our coasts were in any danger, or whether any old woman had reason to fear being disturbed at night by a French invasion, is a point upon which the House can determine for themselves, as well as how the right hon. Gentleman was justified in the statement which he made. The question that has been raised applied only to the building of the larger classes of ships, and I have confined my remarks solely to that point, and I hope the House will agree that I have succeeded in making a complete answer to the charge that has been levelled at me and the Board of Admiralty, with which I was connected, that we were negligent of our duty, and that we left the coasts of this country in a defenceless condition. Whether the state of things which existed when I left office has been altered since, I am not able to say. I have no means of knowing what the French have done, but I do know what the right hon. Baronet has done. He reduced the power of building ships in April, having previously received a submission from the Surveyor of the Navy recommending a different course, on hearing of his intended reduction. In May he told us that he received a second submission from the Surveyor, urging an increase of building; and this I suppose accounts for what I remember was done at the time, namely, putting the men on task and job to increase the work. He received another submission in July, and he also then obtained information of what was doing in the French dockyards, on which information then obtained was grounded the alarming statement which he made to us a few weeks since. He said that in July last we had twenty-nine ships-of-the-line, and the French had the same number, and that at the rate of progress then going on in each country the numbers would be before the end of this year forty French to thirty-six English ships. I am not responsible for the rate of working in 1858. The right hon. Gentleman had to arrange that with the smaller number of workmen in the yards than I had proposed. The rate of work was that determined by him, and not by me: I had intended and anticipated very different proceedings. I have here a statement made from the Surveyor's department, dated Christmas, 1857, showing the state of the ships building at that time, and the probable time of their completion. It is of course impossible to state precisely what would have been the case, but we anticipated launching before the end of the financial year 1859 a larger number of ships than the right hon. Baronet proposes now to launch, with the exception of the eight new vessels about to be converted. To revert, however, to the state of things in July last, the right hon. Baronet became acquainted with the proceedings in the French dockyards which have been alluded to some time in that month. My belief is, that up to the winter of 1857-8 no great exertions were made in the French dockyards, but in all probability since then great exertions were made; nothing else can account for the line-of-battle ships increasing from twenty-two in January to twenty-nine in July. In that country they have the power of compelling workmen to leave private yards to work in the Imperial dockyards, and I have seen lately that a very large supplemental credit is asked for on account of money expended in 1858 for the transformation of the navy. I think it very probable, therefore, that after the winter of 1857-8 great exertions were made in the French dockyards. I could not know this when I quitted office. The right hon. Gentleman might have learnt the fact in the course of the spring, but at any rate he knew it in July. Surely then it was his duty, knowing these things in July, when Parliament was sitting, to have come down to this House and ask for a supplemental Vote to enable him to carry on the work in our dockyards, at least *pari passu* with the French? To be sure, he told us there were obvious reasons why he should not do so, and he spoke of the alarm that would have been created; and that he could not amend the Estimates to which the Government was pledged. The alarm would not have been greater in July last than it was in February. The Government were not pledged to their Estimates, because the right hon. Baronet, in April, when moving them, said,—

> "If the present pressure continues at the close of the Session,—if, in point of fact, we find that the late Government was right, and that they did not exaggerate the requirements of the country, I shall have no hesitation in coming down to the House before Parliament is prorogued."

In July the right hon. Gentleman knew, not only that we were right, not only that we had not exaggerated the requirements of the country, but he knew that which we did not know and could not know, that during the whole spring the French had been making such exertions as to diminish very materially that superiority in large ships which we had when I quitted office. He knew in July all the facts which he knows now, and he ought then to have done what he had pledged himself to the House and the country to do, that is to ask for a supplemental Estimate if there was any necessity for it. But what did he really do? He took the men off job and task work and thus reduced the amount of the work done at the very moment when it was most urgent to increase it. I think the right hon. Baronet assumed a very grave responsibility when he omitted to do as he said he would—come to this House for additional means to enable him to increase the building powers of the country. If he had done so he would not have lost, as he now has lost, nine valuable months. Even if he did not choose to do that he should have employed additional men, and it was his duty to have incurred the risk of exceeding the Estimates sanctioned by Parliament. If he had done so, and had made a statement of his reasons in the following February, the House would, I am sure, not only have sanctioned his proceedings, but they would have applauded them. In my own case, in 1855, after Parliament was prorogued, and we had ordered the construction of a certain number of gun-vessels, we found that the Russians were building at a faster rate than he had expected, and I then consulted my noble Friend then at the head of the Government, and he agreed with me as to the course I should take, which was to order the construction of a large number of additional gunboats, which cost somewhere about half a million sterling. It was my duty to do so, and if I had not done so I should have merited impeachment. I cannot but think the right hon. Baronet has incurred grave responsibility by the loss of those nine months, for, although of course, no one will object to the Vote now asked for, yet money is not time. The loss of time cannot be recovered. I will not longer trespass upon the patience of the Committee, but I think that I have shown that I was neither negligent or ignorant of the state of the French navy—that I did take means which the right hon. Gentleman thought unnecessary to increase the power of our dockyards—that when I quitted the Admiralty our shores were in an adequate state of defence—and that, if from any unfortunate circumstances there should be at the end of the year 1859 any inadequacy of line-of-battle ships to meet any force that France could bring against us, such inadequacy is not fairly to be attributed to any neglect on my part before the spring of 1858.

Sir JOHN PAKINGTON: Sir, I am aware that of all the questions which come under the consideration of the House none are of so painful a character, and none are so distasteful to the House as allusions of a personal character. I do not blame the right hon. Baronet, if he think the statements which I recently made with respect to the condition of the navy bore hardly upon him, for entering upon a defence; but I think he has imputed to me charges which I never made; and, next, I think he has failed in his endeavour to vindicate his own administration of the navy. The right hon. Gentleman has extended his observations to such a length that, at this hour (a quarter past five), I fear I shall scarcely be able to reply to them so fully as I could desire. He complains of this passage in my statement on introducing these Estimates:—

> "I may state at once that we ask for this great addition to the cost of ship-building, because I am bound to say that when I succeeded to office I did not find the navy of this country in a proper and adequate state for the defence of our coasts and the protection of our commerce."

These phrases were intended to cover all the various functions which the navy of England has to perform, and, taking that free and extended view of them, I beg to say I adhere literally to that statement. I also said,—

> "I cheerfully do justice to former Governments, and especially to that which immediately preceded us, to which in regard to many points great credit

is due; and while they left many things still to be done, it is but fair to say that there were strong and obvious reasons connected with the Russian war why certain reforms should not then have been adopted."

Surely there was no want of courtesy to the right hon. Gentlemen in that. I added,—

> "It will be seen that during the time that that right hon. Gentleman was at the Board of Admiralty considerable additions of the smaller vessels were made, such as corvettes, sloops, and, above all, gunboats. I am not sure whether the addition of gunboats had not commenced in the time of the right hon. Baronet the Member for Carlisle; but our present gunboats were chiefly added by the right hon. Baronet the Member for Halifax, and I do not think a more valuable addition has ever been made to the navy than those gunboats."

Was that an attack on the right hon. Gentleman? I will trouble the House with one more extract. I said,—

> "Those additions were chiefly made in 1856; they had reference to the war then going on with Russia; and the right hon. Gentleman very naturally added vessels of a class suited to the emergency of the moment; but while a considerable force of those gunboats and sloops was added to the navy, the line-of-battle ships and frigates did not increase in the ratio which the interests of the public service demanded. On the contrary, the result of the war was actually to check the progress which ought to have been made in augmenting the number of line-of-battle ships."

Now, Sir, I ask, after reading those extracts—and there are no others bearing on the point in question—is the right hon. Gentleman justified in saying that I brought those three charges against him? If I erred at all, it was surely on the side of courtesy, and I am prepared to say that I do think the right hon. Gentleman, partly from the causes to which I have adverted, and partly from other causes, did not take those steps which were incumbent on him, in the position he occupied, with the view to strengthen our navy, and to make up the deficiency in our line-of-battle ships which had resulted from the introduction of steam. In justification of that statement I would refer to a speech of the right hon. Gentleman made in the month of May, 1857, on bringing forward the new Navy Estimates. He said on that occasion,—

> "Nevertheless, it would be unwise not to continue building a certain number of ships of a large size. We must look to what other nations are doing in this respect. It is plain that no great naval engagement could be maintained in the middle of the Atlantic between line-of-battle ships and gunboats. The French are building large and more powerful line-of-battle ships than ourselves; the United States also are building a class of frigates larger than any we have."

Then he added a little further on,—

> "He had never said, as had been supposed, that we must bring the numerical proportion of our ships to those of the French up to what it had been during the last war. All he said was, that when our line-of-battle ships only exceeded the French by two that was not the proportion that our fleet should bear."

Here I find in May, 1857, a distinct acknowledgment on the part of the right hon. Gentleman that our line-of-battle ships were not what they ought to be when compared with the French force in that respect. Why, I ask, did he not take steps to redress that inferiority, and to restore the strength of the navy to what it ought to be? [SIR CHARLES WOOD: I did.] The right hon. Gentleman says he did: I join issue with him and say he did not. The statement I have just quoted was made in 1847 by the right hon. Gentleman on moving the Estimates; but in that year he took no steps whatever to correct the deficiency the existence of which he had avowed. He did nothing to remedy it, and we have had it from his own lips that in the financial year 1857-8 two line-of-battle ships were launched, which is one less than the maintaining rate of three per annum. So much for the year 1857. I come now to the year 1858, when I succeeded to office. What had the right hon. Gentleman done then? I understood him to say that eight line-of-battle ships were launched in 1858.

SIR CHARLES WOOD: What I said was, that eight line-of-battle ships were added to the Navy in 1858, as appears by a Return which I hold in my hand.

SIR JOHN PAKINGTON: I hold in my hand a Return from which it appears that, instead of eight, the number is only four.

SIR CHARLES WOOD: Here is a Return, signed by Sir Baldwin Walker, Surveyor of the Navy, showing that of steam-vessels added to the navy in 1858 there were eight ships-of-the-line—namely, four built and four converted. That is the statement contained in paper 65 of the present Session, for which I moved on the 16th of February.

SIR JOHN PAKINGTON: Well, I hold in my hand a printed Return, showing that there were only four added—namely, the *Donegal*, the *Windsor Castle*, the *Hero*, and the *Edgar*. I can only reconcile the difference by assuming that there were four built and four converted. But that does not affect the argument I was pursuing, which is, that the right hon. Gentleman, having acknowledged that he was then aware of the deficiency, did not take the necessary steps to correct it. The mode in which I prove this position is by referring to the course taken by the right hon. Gentleman on the Estimates of last year. What was that course? The right hon. Gentleman added £100,000 to the Estimates of the preceding year for shipbuilding. Well, we all know that £100,000, even if the whole of that sum had been available for the purpose, would do very little towards redressing the deficiencies in the navy, having regard to what ought to be its proper strength. But the proposal of the right hon. Gentleman to add £100,000 was not really an addition to that amount, for he had taken £30,000 too little in the previous year, 1857, so that the actual addition to the Estimates of last year was only £70,000; and I leave it to the House to determine whether an addition of £70,000 to our Naval Estimates was sufficient to bring up our force to the position in which it ought to be, considering the state in which it was at that moment. But I have a still more serious question to ask the right hon. Gentleman. I find in his speech of 1857 a statement to which he has adverted today, but without giving the figures, showing the comparative strength of the English and French Navies. That statement was made on the 18th of May, 1857. The right hon. Gentleman stated the comparative naval force of England and France in 1793, 1817, 1840, and 1857. He was then speaking of ships-of-the-line. His statement was, that on that day, the 18th of May, 1857, the English screw line-of-battle ships were forty-two, and the French screw line-of-battle ships forty. "In this list," the right hon. Gentleman said, "I omit our block-ships, which, though very efficient for certain purposes, could not keep their places in a cruising or blockading squadron." I wish to ask the right hon. Gentleman where those forty-two line-of-battle ships are? He stated on the 18th of May, 1857, that we had forty-two screw line-of-battle ships, exclusive of block-ships. The right hon. Gentleman himself admits, that in January, 1858, we had only twenty-five screw line-of-battle ships.

Sir CHARLES WOOD: That statement the right hon. Gentleman will find includes the screw line-of-battle ships which were building and converting, as well as those which were afloat. Of those there were forty-two English and forty French. In February, 1858, however, when stating the number of ships immediately available for the defence of our coasts, of course I took into account those only which could be brought at once into service.

Sir JOHN PAKINGTON: Now that the right hon. Gentleman has made that explanation, I must say I think he was not dealing candidly with the House, seeing that in his statement on the 18th of May, 1857, when referring to the comparative force of the two countries, he included in the list of English of-the-line ships which were only in course of construction, and many of which are not launched even at this moment. I should have had no objection to the right hon. Gentleman making that statement if he had plainly told the House what he actually meant; but he did no such thing. The House will do me the justice to remark, that in my statement the other night I mentioned how many ships we were building and converting, and what the state of those ships was; but the right hon. Gentleman was not so explicit on the 18th of May, 1857, for he merely said we had then forty-two screw ships-of-the-line, and the French forty. I think every man who heard that statement of the right hon. Gentleman, or read it, would be led to the belief that that was the effective force at that moment; and nobody could ever suppose that the right hon. Gentleman was practically, though not intentionally, misleading the House and the country by stating the number of ships which the country could only suppose were effective, but including, in reality, the ships which now, two years after, are still on the stocks and yet unlaunched. I think the House and the country have a right to complain of the right hon. Gentleman's statement as wanting in candour and ingenuousness. If the force was then in the state in which he has now explained, it was his duty as First Lord of the Admiralty to have said so frankly to the House. I confess I cannot understand, if that was his meaning, how he could have been so wanting in ingenuousness as not to tell the House that, instead of having forty-two ships afloat, we had on his own showing I know not how many; for, in the following month of January we had only twenty-five effective line-of-battle ships. When I succeeded to office I found a fleet with only twenty-five or twenty-six line-of-battle ships, and that the right hon. Gentleman had proposed an addition of £100,000 to increase the force. What had he done to correct that state of things? Next to nothing. He did add £70,000 to the Estimates when we had only twenty-five line-of-battle ships. I say the right hon. Gentleman neglected his duty. To come down to this House, as the Naval Minister, and propose an increase of only £70,000 to the Estimates, at a time when we had only twenty-five line-of-battle ships, I say was to fall greatly short of the duty which he owed to this country. The right hon. Gentleman says that one of my charges was that he did not know the state of the French navy at that time. I did not make that charge. But I now say, from the information I have received since I came to the Admiralty, I do not believe they were apprised of the state of affairs in France with that accuracy with which they ought to have been informed. Again, the right hon. Gentleman says I overruled the members of the Board. I beg leave to tell him I did no such thing. We had no difference at that Board, and I am happy to say we never had. The right hon. Gentleman next complains that on succeeding to office I cut down his Estimates. But, how much? Upon the matter of dockyard labour I took off £20,000. I first proposed to reduce the Estimate by £100,000. Sir Baldwin Walker remonstrated, and said he wished I would add £50,000. I did so. I then discovered the error about the £30,000 to which I adverted, and I added that sum; so that when I made my statement to the House in April the real difference between the right hon. Gentleman's Estimate and mine was only £20,000. But I have said before and I say again, that I would not have made that difference, or indeed any difference, if I had known then what I know now of the inefficient state in which the navy was left by the right hon. Gentleman. He talks of my speech of the 12th of April. How long had I then been in office? Why, not a month. And yet the right hon. Gentleman says, that after full deliberation I did so and so. Why, the truth is, I had not then had a full opportunity of ascertaining the state of the English, much less that of the French navy. I only said then that I was unwilling to adopt large Estimates without first satisfying myself of their necessity; but, undoubtedly, if I found that necessity I would ask for an increased Vote. The right hon. Gentleman says I pursued the course which I did in spite of the remonstrances of Sir Baldwin Walker. No such thing. The right hon. Gentleman has misunderstood what I said on a former evening. I corrected the Estimate after I took office, previously to receiving, so far as I remember, that "submission" from Sir Baldwin Walker which came into the Admiralty either at the extreme end of March or the beginning of April. [Sir CHARLES WOOD: March.] But why was it that we received that "submission?" If the right hon. Gentleman had done his duty to the Board of Admiralty, if he had put the navy of England on the footing on which it ought to be, or even proposed to put it on the footing on which it ought to be, why was it, I ask, that the Surveyor of the Navy felt obliged to come to me, immediately on my taking office, and make a remonstrance as to the defective state of that great arm of the public service, and implore that I would forthwith proceed to add to the number of line-of-battle ships? Why, the very fact of that "submission" having been made is the most conclusive evidence which can be appealed to in proof of that neglect of the navy of this country which the right hon. Gentleman has denied. If he had put the navy on an effective footing, Sir Baldwin Walker would have had no occasion to come to the Admiralty with such a "submission" on our immediately taking office. The remonstrance was made in April, and I immediately added £50,000 to what I had proposed. In the following month of May there was another "submission" from Sir Baldwin Walker; and what did we do then? Why, we immediately put our whole dockyard force on task and job work, and it was owing to the exertions we then made that we were enabled to have a Channel Fleet of six line-of-battle ships in August. The right hon. Gentleman says it was my duty to have come down to the House in July and ask for an increased Estimate. But, Sir, it was only at the extreme end of July, just towards the close of the Session, that we discovered that which the right hon. Gentleman ought before to have discovered,—namely, the rapid strides which the French navy was making. Why did not the right hon. Gentleman find that out? Why was it reserved for us in the month of July, in consequence of inquiries prosecuted during the summer? We then learnt the state of the French navy and the rapid advance which it was making; but when those discoveries were made Parliament was on the point of breaking up, and we could not then have come before the House with a Supplemental Estimate without taking a course which was unusual, and unless we had been on the eve of war, or some great national emergency, we should not have been justified in creating the alarm which such a step would have produced in the country. What did we do? Did we neglect the occasion? No. We immediately took the most active and effective steps to adapt our position to it; we proceeded to convert our line of-battle ships, which are now practically added to our navy, and so endeavour to restore to it that efficiency which we found did not exist when I came to the Admiralty. And now that we have come to a new Session of Parliament, and have had to frame our own Estimates, we have not, like the right hon. Gentleman, made a proposal to take a Vote of £70,000, when we had only twenty-five effective line-of-battle ships; we have taken a very different line, and I suspect that is the real cause of the speech we have heard to-day from the right hon. Gentleman, and of the sensitiveness he has shown with regard to charges which were never made. Instead of taking a Vote for £70,000, we have proposed to take one for £1,300,000, which will enable us to add twenty-six powerful men-of-war to the navy, and to redress, so far as it is possible to redress, that positive and relative deficiency in our naval force which the late Government had allowed to exist. Sir, under the pressure of time (nearly a quarter to six o'clock) I have had to advert to the topics embraced in the right hon. Gentleman's speech, but I am not aware that I have omitted to notice any of the more important of his observations. I think I have satisfied the House that the right hon. Gentleman had no reason to complain of what I said the other night, and that if I erred at all it was on the side of courtesy. I could not conceal the state in which I found the navy when he had acceded to office. I explained that matter to the House, however, in a manner which was as fair towards the right hon. Gentleman and his colleagues as it was possible it could have been consistently with an adequate discharge of the duty which had devolved upon me. I hope, too, I have satisfied the House that, considering the state of things which I found on succeeding to office at the Admiralty, it was impossible, under the circumstances, and with every desire to discharge our duty, to do more than take the steps we have done, with the view to bring the navy to a pitch of efficiency commensurate with the requirements of the times in which we live.

Sir CHARLES NAPIER said, he thought that both the late and the present First Lord were to blame. The late First Lord was to blame for having paid off seven sail-of-the-line at the end of the Russian war; and the present First Lord was to blame for diminishing the dockyard Vote of last year, notwithstanding the three "submissions" which had been sent to him by the Surveyor of the Navy.

House resumed.

Committee report progress.

House adjourned at two minutes before Six o'clock.

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HOUSE OF LORDS,

Thursday, April 7, 1859.

Minutes.] Public Bills.—1ª Public Offices Extension; Indemnity.
2ª East India Loan; Savings Bank (Ireland) Act.
3ª Patents for Inventions (Munitions of War); Common Rights, &c. (War Department).

EAST INDIA LOAN BILL.

SECOND READING.

Order of the day for the Second Reading read.

The Earl of DERBY: My Lords, in moving the second reading of the East India Loan Bill I presume your Lordships would hardly wish me to go again over the ground which I traversed a few days ago, in laying before you a revised estimate of the Indian finances, and in stating the increased amount of the deficiency for which it was then calculated that we should have to provide in the course of the ensuing year. I then mentioned the amount to which that deficiency would, in all probability, extend, and what were the means on which the Government of India relied for reducing the estimated deficiency of £11,500,000 for the year, so that they might require a further assistance from Her Majesty's Government only to the extent of somewhere about £4,000,000. It will also, no doubt, be easily understood by your Lordships that although upon the present occasion I am asking your assent to the second reading of this Bill, I am, in point of fact, only asking what may be considered a grant on account, because, as I have already stated, it will be necessary at a future period to ask for a further sum of about £5,000,000, to make up the whole of the amount which will be required. It was thought better, looking to the approaching dissolution of Parliament, that no time should be lost in passing this Bill, and your Lordships, the other day, kindly showed your willingness to suspend the Standing Orders, so that the fact of its having become law should be conveyed to India by the mail which is to leave this country on Monday next. On this occasion therefore I do not wish to make any lengthened statement; and I shall now proceed to give the best answers in my power to a series of questions which were put to me the other evening by several noble Lords. The noble Lord opposite (Lord Monteagle) asked me what were the intentions of the Government as to the proposal of a vote of thanks to the Governor General, the Commander-in-Chief, and the other officers, civil and military, to whose exertions we are indebted, under Divine Providence, for what I hope I may venture to call the suppression of the late great revolt, and the restoration of a state of what may be regarded, at all events, as a state of comparative peace in India. I have to state upon that point that it is my intention on Monday next to call the attention of your Lordships to that subject, and to move a Vote of Thanks in the terms usual upon such occasions. A noble Duke on the cross benches (the Duke of Marlborough) asked whether it was our intention to recommend to Her Majesty that there should be a public religious manifestation to testify the gratitude of the country to Almighty God for the blessings vouchsafed to our arms: and in answer to that question I have to state that Her Majesty will be advised to issue Her commands to his Grace the Primate to prepare a form of thanksgiving to be read in all the churches and chapels of the kingdom on such day as Her Majesty may think fit to appoint. I come now to a question which was put by a noble Earl below me (the Earl of Ellenborough) who said that he felt some difficulty in comprehending the statement which had been made with regard to the system of deposit for Indian railways to be made in this country, and the general expenditure on that account. My noble Friend is no doubt correct in stating that that is a subject of rather a complicated character; but it is in reality a question of account much more than of revenue; and I hope I shall be able to make the matter clear to my noble Friend and to your Lordships.

Your Lordships are already aware that a very large sum has been raised in this country for the construction of railways in India. It is anticipated that the amount paid up here in the course of the next year on Indian railway calls will not be less than £6,800,000, or in round numbers £7,000,000. Now, the course which it has been found desirable for the general convenience to adopt upon that subject is this. The amounts paid on the railway calls are not transmitted to India, there to be employed by the companies on the various works to be completed, but they are in the first instance paid into the Indian Treasury in this country. It is estimated that about 96 per cent of the whole amount embarked in the construction of those railways is held in this country; so that out of every £1,000,000 paid up, £960,000 are paid in this country, and out of these £960,000 there will be required for services performed here about £400,000, and the remaining £560,000 will be expended in India. I am putting out of view at the present moment all considerations of the interest guaranteed to the shareholders; and I am speaking solely of the application of the money that is actually raised. Now, with regard to the £400,000 out of every £960,000 payable in this country, of course it was a matter of convenience that it should never be transmitted to India, but that it should be paid into the Home Treasury, and be there disbursed in proportion to the calls made upon the companies. With regard to the remaining £560,000 the course of proceeding is as follows. Your Lordships are aware that the Government have entered into a guarantee to make up all the interest that may fall short of 5 per cent on the capital expended; and further, that whenever those railways shall return a profit of more than the guaranteed 5 per cent, the surplus is to be divided, one-half between the shareholders, and the other half is to go to the Government in repayment of its guarantee. As yet, the Returns upon the sums that have been expended in those undertakings have fallen far short of the guaranteed interest; and it has been arranged with respect to all work done in India, to the extent of £560,000 out of every £1,000,000 that the capital should not be transmitted from this country, but should be made a charge on the finances of India, while the companies draw to such an amount on the finances of that country as they require for the execution of their works, the Government in the meantime taking into their hands all the receipts of the Indian railways, and paying over, or rather accounting to the various shareholders, for the dividend of 5 per cent on the capital. This being the case, there is a running account kept, which is settled month by month between the Indian Government in India and the Indian Government at home. Of course, the sum expended in India is set against the sum deposited in this country, and out of the amount which remains in this country the various calls on the Indian Government for the home establishment are met. The result is, that there is no transmission of bullion to India on account of railway shares, and neither are there any remittances from India on account of services performed here. The amount which has been hitherto deposited in this country is so large, that it has been quite sufficient to pay all the expenses of the home Government. The estimate of the sum which will probably be received on this account by the home Government during the year 1859-60 is £6,844,000; on the 7th of April, the balance in hand was £4,366,000; so that there will be £11,210,000 to be applicable to the service of the railway companies in both countries. The portion of that sum, including interest, which will be payable in this country is £5,285,000; and, deducting that sum from the £11,210,000, there will remain a balance of £5,925,000, or, in round numbers, of £6,000,000, available for the home expenditure of the Indian Government. I now come to a different but equally important subject. A question was put to me upon a subject of considerable importance, by the noble Earl opposite (Earl Grey). The noble Earl wishes to know what are the steps which have been taken, or which are in the course of being taken, for the purpose of reducing the great military expenditure of India. I need hardly say, my Lords, that I should indeed take a gloomy view of Indian finances, if we were to regard the expenditure of India during the last few years as one of a normal character. But your Lordships are aware, that the state of things which has arisen during the war is exceptional, and ought not to form the basis of a judgment for the future. I am, however, quite prepared to admit, that of all the modes that can be adopted for restoring the balance between Indian revenue and Indian expenditure, the one in my mind which is most absolutely necessary to adopt, is a reduction of the military expenditure. The force of all arms at present in India amounts to about 112,000 Europeans and 310,000 Natives, including the police. Your Lordships, will, perhaps, be surprised to hear, that at this moment the number of Native troops in India, including the police, exceed by 50,000 the number which was at the disposal of the Government at the commencement of the mutiny. The number was then, I believe, 260,000 and it is now 310,000. I am sure that the views of the Governor General upon this subject entirely coincide with those which we entertain; but we have sent out to him the most urgent representations to effect as large a reduction as he possibly can in the Native troops and the newly-raised levies. That process has already commenced. But it must, of course, be somewhat gradual in its operation. The main reductions which have hitherto taken place, have been effected by the discontinuance of large field establishments against the enemy, by diminishing the number of extraordinary commands and the staff appointments. There may also be a considerable reduction of the troops of the line sent to India from this country. At the present moment there are, I believe, in India, not less than eighty-five of Her Majesty's regiments. In the course of the present year, the Governor General has intimated his intention to send back to this country ten of those regiments that have been longest in India and have suffered most severely during the service. But I must call your Lordships' attention to this fact, that the operation of sending back regiments to this country is an operation not of a single character; it must be considered in a double aspect—first, as bearing upon the expenditure of India; and next, as bearing upon the War Department in this country—unless the sending of them back is conducted upon some regular and well-understood system. Because, as soon as these regiments return home from India they cease to be a charge upon the revenues of India, and they become a charge upon the home service. The consequence is, as your Lordships will understand, that if a large amount of troops were to return to this country without previous notice to, and previous concert with the War Department, it would derange all the calculations submitted to Parliament, and would cause a large increase in our military establishments. But, my Lords, it is of essential importance that some understanding should be come to, and that at no distant period, with regard to the permanent peace establishment of India; and also as regards its composition. On some of these points there are considerable differences of opinion among the Members of the Commission appointed to inquire into that question, all of whom, as your Lordships are aware, are of great experience and authority on Indian questions. The evidence given before the Commission has not yet been printed, nor has the Report been laid before your Lordships. There is one point, however, on which the Commission appears to be unanimous, but on which, I am sorry to say, it is absolutely impossible, in consistency with a due regard to the revenues of India, that we should follow their recommendations. Because, my Lords, it is the opinion of that Commission—and probably a very sound and judicious recommendation, considered in itself—that at all times the proportion of the European troops of all arms present in India should be as one to two, or in some districts as one to three, of the Native troops. But that Estimate was accompanied with this further recommendation, that the number of British troops of all arms to be permanently maintained in India should be 80,000 men. Now, to maintain 80,000 British troops in India, and the corresponding number of Native troops—say 160,000 or 200,000 men—would require an annual expenditure which I estimate would fall little short of £15,000,000; and as your Lordships are aware that the net revenue of India does not exceed £26,000,000 sterling, it must be evident to your Lordships that these revenues could not afford such an expenditure on her army alone, which, it must be remembered, is calculated for a period of profound peace. It is clear, therefore, that some reduction must be made in that Estimate, because the Indian revenues will not bear the expenditure. I come now to another important question, as to the character of the European troops that ought to be employed in the country; and on this point I find there are also considerable differences of opinion. It is the opinion of those officers who are best acquainted with what used to be called the Queen's Service—all the different corps are in the Queen's Service now—that the European force for the service of India should be taken from the regular forces of Her Majesty, and that the line and other corps should serve by turns in India—consequently that the military force of India should be supplied by successive draughts from this country. On the other hand, it is the opinion of those officers who are connected with the Indian service, and have had most experience in India, that it will be necessary to maintain not a large but a considerable body of European troops, raised particularly for the Indian service, and commanded by officers acquainted with the country. I must say the arguments they have brought forward in favour of local European forces, commanded by officers brought up in the service and acquainted with the manners and habits of the people, and with the mode of living in India, are of great weight. And there is this further advantage connected with the formation of such a corps, that it would be attended with a considerable saving of expense, which has been estimated at a reduction of 10 per cent upon the expenditure consequent on the employment of regiments of the line. But against that is to be set the consideration that a local force constantly remaining in the country is subjected to a great deterioration in point of discipline and in point of effectiveness, unless special care is taken to prevent it. If that can be overcome there is great advantage in their employment, because your Lordships will see that a local force levied exclusively for service in India will not require that system of reliefs which forms so heavy an item of expenditure in the employment of regiments of the line—a system which requires us to keep up regiments, that would otherwise not be wanted, to do the duty of those regiments that are unavailable to the service while on their voyage out and their voyage home. I do not presume on this subject to express any strong opinion; but I have certainly formed an opinion that a certain local force is, in point of fact, exceedingly desirable for India, would be a considerable saving of expenditure, and, moreover, would be exceedingly useful in forming a species of link between the Native armies and those troops sent over from this country with no previous knowledge of the country, and no previous knowledge of the habits and discipline of the army. I think, however, if I may venture to pronounce an opinion, that if a local force is to be maintained, it must be maintained subject to the existing engagements with the present officers, and subject to the authority to which a local corps in India is now subject. If there is to be a local corps, there ought, I think, to be every facility for the purpose of assimilating the drill, the discipline, and everything pertaining to the internal management of that corps, as between the local corps and the line. I think, moreover—though this is necessarily a point of great difficulty—that facilities ought to be given, not only for the return home of regiments from India, but also for exchanges between officers of the line and officers of the local European service, in order, as far as possible, to keep up an *esprit de corps* between them, and to prevent the formation of an injurious rivalry, but at the same time not to repress an honourable competition and emulation between them. However, I only mention these subjects because they must ere long engage the serious attention both of the Government and of Parliament. They are questions upon which there have been very great differences of opinion between high authorities. It has been a question between them whether there should be a local corps at all, and, if there should be, what proportion it should bear to the European force. My opinion undoubtedly is that that proportion should be defined and fixed, and that this country should be guaranteed against an intolerable evil—namely, that of the Indian Government calling, in an extraordinary emergency, upon this country for 30,000 men this year, for 20,000 another year, and for this 25,000 another year, thereby altogether deranging and disorganizing the whole system of reliefs in the British army. Upon the question, as to what proportion the local corps should bear to the European force, there arises considerable difficulty, and I think there will be considerable difficulty in settling points of detail, upon which it will be absolutely necessary that we should have the opinion and advice of the Governor General and of officers of Indian experience. But that is not the point which presses at the present moment. It is in the military expenditure of India that we hope to be able to effect the greatest amount of reduction; and in order to arrive at an opinion of what that expenditure may be reduced to, it would be necessary to come, at the earliest possible period, to a distinct understanding both with regard to the numbers of the military forces and their respective proportions to each other, as an ordinary peace establishment in India, apart from any extraordinary emergency, such as lately happened, and such as, I trust, may not happen again. I think I have given as far as I could an answer to the noble Earl opposite with regard to the steps that have been taken for the reduction of this expenditure when I stated that first there will be a reduction in the extraordinary commands, next that there will be a reduction in the staff; thirdly, that there will be a reduction of the British force in India, and a return of a considerable portion of that force to this country; and, fourthly, that there will shortly be, as I hope, large reductions in the overgrown Native army by which the finances of India are now so heavily burdened. I am not able to state to the noble Earl how far these reductions have been carried into effect. All I can say is that the attention of the Governor General is anxiously devoted to this subject. He is making every effort in his power to effect reductions; but at the same time I think that reductions, more especially as regards the European force, ought to be made with considerable caution, and not with too great haste. Although I hope that peace is now permanently established, yet I think it is very desirable that we should for some time maintain a considerable and imposing European force to keep the peace, and to assert the predominant authority of this country in India. My Lords, I am not aware of any other points upon which any question was put to me the other day. If there are any I hope I may be able to answer them; but, as your Lordships are aware, I am not very familiar with these subjects of Indian detail. I shall be very happy to give such information as is in my power, and now, without further occupying your Lordships' time, I beg to move the second reading of this Bill.

Moved, that the Bill be now read 2^a.

THE DUKE OF ARGYLL: My Lords, it is impossible to have listened to the statement of the noble Earl at the head of the Government—that which he made some days ago, together with the farther explanations he has given us to-night—without deriving from it a very serious impression as to the condition of Indian finance. I know that those who sit on this, the "shady" side of the House, are accused of a proneness to take a darker view of all public affairs than that which is presented to us from the Ministerial bench. Yet, serious as the condition of Indian finance undoubtedly is, I feel under no temptation to exaggerate the difficulty, or to take, on the whole, other than a hopeful view of the possibility of overcoming that difficulty with success. That hope is founded mainly on one fact, which cannot be too much pressed on the attention of the House—of the country—namely, that the present great deficit in the finances of India is due, wholly and alone, to the vast military expenditure consequent on the recent mutiny. No part of it has arisen from any failure in the revenue, or from any sudden increase in the expenses of Government. Temporary embarrassment may have been increased by steps taken by the Indian Exchequer, which, whether justly or not, have been severely censured. But, whatever may have been the evil of those measures, it probably admits of easy remedy; and, indeed, by the last account, it seems already to have been in process of removal. But it cannot be denied that the ultimate source of all the difficulties which beset the Indian Government lies in the vast military expenditure which the suppression of the mutiny has entailed upon the country. I believe it is to a reduction of that expenditure that we can alone look for a possible remedy, and that all other suggestions for meeting the difficulty do but serve to withdraw our attention from the only resource which is available for the purpose. And, first, I cannot help expressing great doubt of the wisdom of the language which is now frequently held as to the connection which ought to subsist, or rather which is said already to subsist, between the Indian and the Imperial Exchequer. I know that the authority of the late Sir Robert Peel has been claimed for this doctrine; but, as it appears to me, without sufficient justification. We must recollect the circumstances under which Sir Robert Peel was speaking in 1842. It had been the settled tradition of the whole Liberal party, and had become, in fact, a popular conviction, that an income-tax was exclusively a war tax; that it was a weapon which no Government was entitled to use, except under that pressure which war alone can exert on the resources of the State. Sir Robert Peel was about to propose an income-tax in a time of peace, at least in Europe, and for no object more immediate or urgent than certain changes in our system of taxation. Naturally Sir Robert Peel, having such a task before him, pressed into his service every possible argument which could be used on the occasion, and, in exposing the existing condition of the finances, took into view every possible contingency which might throw upon them additional burdens. His reference to the East was at the time considered as rather a wide departure from the arguments which were ordinarily considered as having a legitimate bearing on Imperial taxation. But considering the condition of the affairs in the East at that time, when the consequences of the Affghan war were not yet fully known, and considering farther the undoubted truth that any serious calamity in India would undoubtedly throw heavy burdens, directly or indirectly, on the Government at home, I am not prepared to dispute the relevancy of Sir Robert Peel's language in 1842. But the doctrine now held is something far more definite. It is said that there is already a virtual responsibility on the part of the Imperial Exchequer for the Indian debt, and the sooner that responsibility receives legal acknowledgment the better, so as to secure for India the pecuniary advantage arising from the superior credit attaching to an Imperial guarantee. Two questions are obviously involved in the recommendation which this language conveys. First, there is the question of fact, how far it is true that there is any virtual responsibility on the part of the Imperial Exchequer for the Indian debt; and, secondly, there is a question of policy, how far, supposing no such responsibility to exist at present, it would be wise now to assume it for the first time in a recognized legal form. As regards the first of these questions, I can hardly conceive it to be seriously held that the existing Indian bondholders have any claim whatever on the Imperial revenue. They have lent their money on the security of the Indian revenue, and on that security alone. They knew when they trusted that security that it was less good than the security of the British Treasury; and, in consideration of its inferiority, they have stipulated for a higher rate of interest. It is surely impossible to assert that if the security on which they lent should actually fail, those persons would have any moral claim whatever on a wholly different security to which in fact they did not, and in law they could not, look when they entered into the transaction. Nor, practically—if, indeed, the question can be considered as in any degree practical at all—do I believe that the claim would be admitted in the only case in which it could ever be advanced. Let us suppose the case — an extreme case, no doubt, but none the worse on that account for testing a principle. Let us suppose the case—that the late mutiny had been successful, that we had been driven from India, my noble Friend (Lord Monteagle) who has given his support to this doctrine, is an old Chancellor of the Exchequer. He must recollect the feelings and opinions which are connected with the tenure of that office, and I think I need hardly ask him whether he would in such a case come down with much hope of success to the House of Commons, and ask them to add eighty or ninety millions to the national debt of England: a sum of which, it would be necessary for him to explain, some two-fifths were held by natives of India, no longer subjects of the Crown, and all of which had been lent on the security of revenues now lost to our dominion. Does my noble Friend think that this appeal, made under such circumstances, could be made with much likelihood of success. The same argument applies to a deficit which applies to a total loss of India. I very much doubt whether the House of Commons could ever be induced to pay such deficit out of the revenues of this country. It might, indeed, lead to measures being taken for the redress of such a state of things involving great national outlay. But in this sense I do not mean to say, nor can any one doubt, that the difficulties of India will react most seriously on the Imperial Government. As regards the question of policy, whether it would be wise or otherwise now, for the first time, to extend to the Indian debt an Imperial guarantee, I can only say that it will be time enough to discuss it when such a measure is seriously proposed. Meanwhile it may be sufficient to observe, that the pecuniary advantage to be gained by the operation would probably be much smaller than appears to be frequently supposed. It has been calculated at from £800,000 to one million. I think it very doubtful how far this amount of difference would be actually realized; but, supposing that it were actually gained, it is unfortunately but a small part of the deficit with which we have now to deal. It has been said that this sum spent as a Sinking Fund would pay off the whole debt in a moderate term of years. But the doctrine of Sinking Funds, not founded on an actual surplus of revenue, has long been abandoned; and whenever the time shall come when the Imperial guarantee shall afford to India such a surplus, we may consider the expediency of the course proposed. It is beyond doubt that whatever might be the pecuniary advantage, there are some political objections, especially in the effect which such an abatement of responsibility would have on the carefulness and foresight of the local Government. At present, however, it is needless to dwell on any other argument than this—that, as a means of escape from our present difficulties, the policy of our Imperial guarantee has no practical importance.

I pass, then, to another recommendation which I see frequently made, and which not less than the last, I think, tends to direct our attention from the only real remedy—I mean what is commonly called a "development of the resources" of India by public works. I confess I look upon the language with great suspicion, not from any doubt as to the extent of the resources of India, but from a very great doubt how far they can be made available for our present purpose. The resources of India are, indeed, immense, and looking forward to what is, I am afraid, a yet distant future, we may with confidence anticipate a time when the millions of Hindostan will produce and enjoy an amount of wealth compared with which their present condition is poverty indeed. But it would be a fatal mistake to suppose that this is a prospect which can justify present extravagance, or one which will be otherwise than blighted by yearly additions to the debt. The development of national resources is one of "the long results of time." It can best—I ought rather to say it can only—be promoted by good Government and light taxation, and both these are incompatible with an extravagant military expenditure. My Lords, I cannot help thinking that very loose and dangerous notions are abroad on this subject. It seems to be imagined that by a forced application of capital in public works, a fund of unlimited amount may be realized, which will go far to remove all difficulties from the Indian Exchequer. I believe this to be an entire mistake. There are two kinds of public works — those which are undertaken by private capital, under Government guarantee, and those which are directly undertaken by the Government itself with its own funds, and with a view to immediate return. As regards the first of these two kinds of public works, I do not think that the Indian Government can be charged with any indifference to their importance. On the contrary, the Secretary of State and his Council have been blamed for carrying too far the system of Government guarantees. I think that system has been legitimately applied in the case of railways, because works of that magnitude would probably not have been undertaken by British capital on any other condition. But I have great doubt how far it would be wise to extend that system farther. The inevitable effect would soon be that all independent investments of capital would be rendered impossible. No such investments, starting under terms of such comparative disadvantage, would be undertaken in India. I need hardly say that this would be a most injurious result. But, even supposing that it were possible or advisable to extend the system of guarantees, such public works can have no direct effect on the Indian revenue. They may possibly entail an immediate loss, but they cannot possibly afford any immediate gain, because any surplus return over and above the guaranteed amount goes into the pocket of the private capitalists, whilst any deficiency below that amount must be met out of the public funds. Then, as regards the second class of public works, those undertaken directly by the Government, it is beyond doubt that when judiciously selected, they may be and have been in the highest degree remunerative. You may secure good interest on your capital, nay, sometimes such interest as will in a few years restore your capital again. But it is idle to expect that besides this rent, public works can ever yield such a source of income as to redress any part of the enormous adverse balance which is now weighing down Indian finance. Public works will never enable you to bear up against the effect of yearly accumulating debt. And now, my Lords, I come to another resource much spoken of in some quarters, and one which partially, at least, is now being actually adopted by the Indian Government; I mean new taxes. I have always had more belief than many others appeared to have in the possibility of raising new taxes in India, but I deprecate these being spent in meeting, or rather in endeavouring partially to meet extravagant expenditure. You have other more important purposes to which you should apply any increased resources of the kind. Our revenue system in India requires revision, and for the purposes of such revision additional resources are invariably required. I should like to see any new taxes which can be raised in India applied as Sir Robert Peel applied the income-tax here, in the alleviation of other burdens which press more severely upon the great body of the people. There is a strange discrepancy in the language which is held by different persons in this country in reference to Indian taxation. By some it is affirmed that the Indian people are very lightly taxed, more lightly than ourselves, or than any other European state. By others they are spoken of as ground down under the oppressiveness of our rule, and the weight of the burdens we impose upon them. Cannot we arrive at the truth between these two opposite assertions? I believe we can. It it true that some classes in India are very lightly taxed; nay, it may even be said that they escape taxation altogether. But I believe it to be equally true that the burden of our financial system is severe and presses most heavy on the great bulk of the population. I have seen with surprise an argument maintained, that in considering this question, the land revenue of India must be kept out of view, because that revenue is of the nature of rent, and not of tax. As regards the conclusion aimed at, it is perfectly immaterial whether it is called a rent or a tax. As regards the ability or inability of the people to support other burdens, it comes to much the same thing whether they are overtaxed or over-rented. Rent in a country which is mainly agricultural, is the principal fund which goes to the accumulation of wealth and the support of reproductive industry. Where the whole of that fund is appropriated by the State and expended, all but a fraction, on great armies and the machinery of Government, it is to a great extent withdrawn from those channels in which it would have found more profitable employment. Whatever it may be called, I believe the land revenue of India—everywhere except in the lower provinces of Bengal, where it is light, and where the poverty of the people depends on other causes—to be so heavy in amount as to be a serious burden on the people, and to interfere with their advancement in prosperity and wealth. It has long been the desire and aim of the Government to lighten its burden. I was looking to-day at a despatch sent out some three or four years ago, by the Court of Directors to the Government of Madras, urging on that Government a reduction of the land tax in the provinces subject to its rule. I find it stated in that despatch that at present the proportion of the total or gross produce of the soil absorbed by the land tax was as respects the best or irrigated lands, no less than one-half or 50 per cent, and as regarded other land, fully as much as 35 per cent. Even in the north western provinces, which are considered in this respect a model, the proportion absorbed by the Government is as much as 35 per cent of the net produce. Now, I think it impossible to deny that where so large a proportion of the produce of the soil is absorbed by the necessities of Government, a most severe burden is laid upon the people, and a most serious deduction made from the fund, out of which alone we can hope to see in India an increase in the wealth and comfort of its people. And here, my Lords, I must demur to the mode of estimating the burden or weight of taxation borne by the people of India, which was lately adopted by the Secretary of State for India in his speech in another place. It was said that the average taxation per head in India was only 14*s*., whereas in this country it was £28. Now, I apprehend that if you wish to estimate the comparative amount of pressure exerted upon the people of two countries by their respective systems of taxation, you must compare the amount of tax—not with the number of the population, but with the total earnings of the people, the total value of their industry and wealth. If, for example, it be true, that whilst in India the average total earnings of the people is only 28*s*. or 30*s*. a year, and the taxation is 14*s*.; and if, on the other hand, the average earnings or incomes of the people here is £150 or £200, whilst the taxation is £28, it is clear that the burden, or pressure borne is in a reverse proportion to that indicated in the figures of the noble Lord. Before passing from the subject of the Indian land revenue, I cannot help expressing serious doubts of the wisdom of the measure which has been recommended to the Government of India by the Government at home—I refer to the redemption of the land tax. This measure is confessedly applicable only to the provinces of Bengal where the permanent settlement prevails. But this is exactly the portion of India, where the land tax is at least burdensome to the people, and where, with least injury, it may be retained in its present amount as a permanent source of revenue to the State. The reasons assigned in favour of the measure are that the purchase money can be applied to the extinction of a corresponding amount of debt; whilst the effect of rent-free tenures will be to increase the loyalty of the people to the Government, since, if that Government were replaced by any other, it is hardly probable that such tenures would be respected. As regards the first consideration, I am afraid that, as is generally the case with private individuals, sums received in forestalment of the income of future years, and which ought to be treated as capital, will practically be treated as income—but at the end of the operation, which must necessarily be slow, yielding its returns in driblets—we shall find the debt not diminished by a single rupee, and a large population, not the least wealthy in India, contributing nothing to the necessities of the State. The inevitable result will be that though relieved from that particular impost, other imposts will be substituted in its stead; and thus the argument derived from the supposed political effects of the measure will fall to the ground. I am, therefore, disposed to think that whilst there is every reason to lower the land tax where it is excessive, and to spend the resources of new taxation in that most useful reform, it is unadvisable to sacrifice the land tax where it is moderate in amount, and may therefore without injury be retained.

Reduction in the civil expenditure is another resource which I see must be dwelt upon at the present moment. It is, indeed, impossible to look over the salaries attached to various offices in India without seeing that some reduction might be effected. But, I am convinced that on the whole this cannot be regarded as a resource from which you can gain anything on the total expenditure of the Government. What you save in one direction, and probably far more, you will have to lay out in another. There is a Committee of the other House now sitting on colonization in India; and your Lordships will find, if you examine the evidence taken before it, that the one constant cry is "more European superintendence;" and as regards subordinate employments such large and larger salaries as may secure, at least, a higher class of Native. In every branch of the public service, the revenue, police, judicial—the same demand is repeated—the same necessity is felt. We may depend upon it that on the whole the expenses of civil Government will rather increase than diminish, and the hope of deriving from economy on this head, any assistance whatever towards meeting the existing deficit must be put entirely aside. We come, then, to the point from which we started, that a reduction of the present enormous military expenditure is the one only resource which remains. But for this expenditure there is no ground for despondency. In the year which ended about the commencement of the mutiny, our income equalled our expenditure. There was a nominal deficit on the accounts of £179,000; but whilst there was, so far as I can see, no extraordinary item in the receipts, 'there was one very extraordinary item in the expenditure, viz., one half of the cost of the late Persian expedition which amounted to £205,000. Deducting this, there was in truth an actual surplus—and this, too, allowing for an expenditure on Public Works of £1,800,000. Yet, in that year, upwards of eleven millions was the military expenditure of the State; and if we cannot now hold India, after the disarmament of its people, the destruction of their forts, and the moral effect of our late triumph, for a sum even less than this—then our prospects are serious indeed. Since the beginning of the mutiny, a large increase of charge has arisen from the debt which has been incurred. That increased debt amounts already to about £27,000,000, and I fear we may count on another year's deficit, which will raise the amount to £37,000,000, with a permanent increase of charge for interest approaching to £2,000,000. I need hardly say that this renders it the more absolutely necessary to proceed without a moment's unnecessary delay in bringing the military expenditure within reasonable limits. Our present deficit is not to be wondered at when, by the statement of the Secretary of State for War, more than half the whole British army is quartered on the revenues of India, whilst the number of Native troops is actually larger than before the insurrection. In this state of things, I confess I heard, with some alarm, the language held by the noble Earl at the head of the Government to-night, which tallies with the language of General Peel in "another place," to the effect that the withdrawal of troops from India is to be considered not exclusively with reference to the condition and prospects of that country, but also with reference to the convenience of the Government at home. Lord Clyde, at the beginning of the year, when his operations in Oude had just been brought to a conclusion, appears to have intimated to the War Office that he could spare a certain number of regiments, and the noble Earl says that if more than this anticipated number should come home, it would put the Government to the inconvenience of a supplementary estimate for the year. It would thus appear that if later in the year Lord Clyde should find the country so quiet, the disarmament so complete, and altogether the prospects so secure, as to justify him in sparing a large number of troops, India would not be allowed to have the benefit of that reduction until the end of the year, thus throwing on the overburdened resources of that country, for perhaps a considerable time, a larger force than is required for its defence. Now, though I do not pretend to be a judge of the exact amount of inconvenience which a government might suffer from the necessity for a supplementary Estimate, there is one thing of which I am confident, and that is that such inconvenience, whatever it may be, is not to be compared with the evil of delaying for a single day to reduce, as far as the necessities of that country enable you to do so, the enormous military expenditure which is throwing its finances into present confusion, and threatens to leave them in a condition of permanent embarrassment. Connected with this subject, I must notice a report which has prevailed that the Government intend to send out to India twelve batteries of the Royal Artillery, contrary to the opinion of the Council at Home; and it has been added, contrary to the opinion of the Indian Minister. The last occasion on which I had the honour of addressing this House on the affairs of India, it was before that change in the form of Government which has since received the sanction of Parliament. I hear it already said, among the various expressions of dissatisfaction to which the present alarm gives rise, that that change has proved a failure, and that there must be a more complete reversal of the former system. I do not use this language, nor indeed do I hold this opinion. I think that to a great extent it is founded on a mistake as to the reasons which induced the late Government to propose, and the present Government to adopt the change referred to. That change was not made—I speak with confidence, at least as regards the late Government—because we believed that the Government of the East India Company had been a total failure, or that their policy had been such as to require complete reversal, but mainly because we thought that the change, whilst tending to promote improvement and reform, was required for giving additional strength to the Government of India. We thought that by bringing the Minister for India face to face with his Council, there would be, at least where both were agreed, such an identity of feeling and of interest as would produce a strong executive; and where they were not agreed, due provision was made for a record of the policy which was rejected as well as of that which was actually pursued. Too much stress, I think, was laid upon what was called the "independence" of the Council, because you meant only independence of position, and never intended them to possess any independence of authority. But I shall indeed think that the change has proved a failure, if it be true that the Minister for India, agreeing with his Council, shall be unable to enforce in the Cabinet and in Parliament the policy which they deem best for the interests of India. We have at least a right to know how far the military expenditure involved in the measures of Her Majesty's Government is, or is not, considered by them to be really required. We have a right to know how far notions of Imperial policy, which may be merely considerations of convenience to an existing Cabinet, are interfering with that Indian policy which is recommended by those specially responsible for Indian Administration. Might I venture to repeat that no considerations of ministerial convenience at home ought to be allowed to interfere with the one essential operation which can alone be effectual in restoring the credit of Indian finance. The language which is now held as to the ultimate responsibility of the Imperial Exchequer, and the conviction that, whether that language be literally true or not, it is perfectly true that embarrassment in India will result, and that soon, in serious embarrassment at home—is raising a just feeling of alarm in the public mind—partaking, as all popular alarm does, of the nature of irritation. You cannot go into the streets without hearing men say, "India is not worth keeping on such terms." This, no doubt, is merely the expression of impatience. We cannot abandon India—it is morally, it may almost be said to be physically, impossible. It would be difficult to say how much blood and treasure England would not be willing to expend rather than lose her empire in the East. We are all proud of that dominion, and justly proud of it. It is the great existing proof of the yet undecayed and undiminished energies of our Imperial race. But behind and above this there is a better and a higher feeling of the deep obligations under which we lie to the people of India. There is a conviction, and a just conviction, that if the present condition of its financial affairs is to continue, those obligations cannot be discharged. It is not merely that the present state of things interferes with this or that particular expenditure which would be more permanently useful—it is not merely that it leads us to grudge, for example, the comparatively trifling sums spent in the education of the people, and in affording them opportunities of improvement of which it has been clearly proved that they are most eager to avail themselves—it is not merely that in every direction it is interfering with every scheme of a just and wise benevolence; but it is that by those sure laws of political economy which regulate the wealth, and with the wealth, the happiness of nations, the cause of national progress is incompatible with an embarrassed Government and the innumerable evils which are inseparable from it.

THE EARL OF ELLENBOROUGH: My Lords, I entirely agree with the noble Duke in deprecating the extension of any guarantee by England to loans raised in India for the service of that country—I do not think the time has yet arrived even for considering that general question. I deprecate it not so much on behalf of England as on behalf of India. I do not think that a general guarantee would lead to extravagance on the part of the officers employed in India; but it would give rise to a constant interference by Parliament with the Government of India, and to a reduction of establishments and of salaries which I am convinced would be utterly fatal to the good government of that country, and ultimately to its connection with England. On that ground I deprecate it as a general principle. But, my Lords, there is one point which I wish to bring under the consideration of the House, and of Her Majesty's Government, and which I think is well worthy their attention—namely, whether it might not be advisable for a particular purpose, and in an exceptional case, to extend that guarantee? Your Lordships are aware that the revenues of India are burdened with a permanent charge of £630,000 a year, payable to the proprietors of East India Stock. When the Bill was passed for the Government of India in 1833, a sum of £2,000,000 was set apart, which was to accumulate; and it was expected that, at the end of forty years, that accumulation would produce a sum of £12,000,000,—or an amount equal to the whole of the capital stock of the East India Company,—and enable the Government then to pay off the holders of that stock. The calculations then made seem to have been based on very erroneous data, or at least they have not been verified by experience; for instead of there being any probability of this sum being realized in 1873 for the purpose of paying off this £12,000,000 of stock, it appears, from the figures furnished the other day, that, supposing the average price of the funds to remain for the future as it has stood for the past, the amount required would not be realized before the year 1887. I would suggest, therefore, whether it would not be expedient for the Government of this country to guarantee the payment upon the East India Stock to the amount of £630,000 annually, having, of course a claim to that extent upon the revenues of India. A measure of this kind would at once set free the whole of the sum now accumulated under the head of the guarantee fund, namely, about £4,700,000, and would thereby immediately relieve the revenue of India from the necessity of having any loan this year, or relieve us from the necessity of raising any additional loan to that now under the consideration of this House. If at any future period it should be thought advisable on the part of the Government to pay off this stock, the operation could be effected with advantage to the public. In all probability, the interest upon the amount required to be raised to effect it would not exceed £350,000 a year, which, as compared with the present amount of £630,000 which the Government would continue to receive from the revenues of India, would yield a gain of £280,000 per annum. I agree also with the noble Duke in entertaining very great apprehension at the extension of the system of giving guarantees of interest at 5 per cent to public works in India. When I was for a short time in office last year, I was told that the sum already guaranteed in this manner amounted to £28,000,000. With a good deal of reluctance, and after much consideration, I consented to an additional guarantee to the extent of £2,000,000 to afford facilities for the making of a railroad of the greatest possible importance in connection with the communication between Madras and the Island of Ceylon. But I certainly made up my mind I would not, under hardly any circumstances, go beyond that last guarantee. The sums now guaranteed amount to more than £40,000,000. The interest of these sums will be £2,000,000, and with that interest the revenues of India are charged. Your Lordships have had more opportunities than I have of investigating the position of the various railways established in England. You know, as I do, that, with one or two exceptions, they have not paid 5 per cent out of their earnings; and I think it contrary to all reason to suppose that, in the peculiar circumstances of India, her railways, however cheaply constructed, can produce any dividend at all approaching to that rate. Now, looking at all the facts of the case, and taking even a more favourable view of the prospects of railway property in India than I am disposed to think warranted, it appears to me that there is likely to be an ultimate deficit of at least half a million a-year upon those railways, which will have to be made up from the revenues of India. But that is not the whole of the loss. I apprehend that when money is expended upon railways, two or three years at least must elapse before they yield a return: whereas the guaranteed interest is payable at once; and consequently for the whole of that period the Indian exchequer will have to pay the shareholders 5 per cent. If then you consider that there are £40,000,000 to be expended, and assume that these years will expire before a profit upon the outlay is obtained, the loss to the finances of India will not be less than £6,000,000 previously to any of these lines being brought into working order. These, then, are matters really requiring the serious attention of the House. My noble Friend at the head of the Government had the goodness to-night to answer a question which I had previously put to him, and he has given a perfectly clear explanation of the manner of conducting the accounts between the Government of India and the several railway companies. But he did not appear to perceive the disadvantage of that arrangement. It may be gathered from one of the letters from India, and it was only when I saw it stated there that I became acquainted with the working of the system. I was always under the impression that all, or nearly all, the money was received in this country, and all the money paid in this country, the various companies transmitting what they required in the ordinary way, by means of commercial bills. My Lords, not a fortnight elapsed after we had intelligence of the commencement of this mutiny before I earnestly desired the Government to insist upon there being no more remittances forced from India to England. This request was assented to, and we have been believing till now that there have been no such remittances. But, from what my noble Friend has stated, it appears that in the next year there will practically be a remittance of £5,000,000 from that country: that is to say, India will be charged with payments on account of these railways, from which she receives nothing, to a sum equal to the whole amount which you are attempting to raise in this country for this year by means of a loan. All the financial difficulties of India now arise from the forced payment of the advances made by the railway companies. I see it is stated that £4,280,000 will be paid to that account before the 30th of April; the sum next year will be £5,000,000; making together £9,280,000 which is practically to be remitted to England. This money remains in the coffers of the Council of India, who use it for any of their own purposes. It is as much money remitted as if it came in the shape of bullion from India, or of hypothecated goods, or in commercial bills. This is entirely contrary to the promise given when the mutiny began, and now that daylight has broken in upon the practice, I trust it will be discontinued. If an account were called for of the remittances from India, in addition to the amount sent by bullion, Government bills, and the hypothecation of goods, the money sent for railways must be included, and would form a very serious item. I trust that the Government will put an end to this system, which causes a loss of 1¼ per cent on all the money that is raised for this purpose, and which, beyond this, causes extreme embarrassment by compelling the Indian Government to go into the market for money, when otherwise it would not have been necessary. On another point adverted to by the noble Duke, I also agree with him; namely, that the proportion of the Queen's troops serving in India, and in England ought to be governed by the exigencies of the service from time to time, and by nothing else. My Lords, I never like to see a course taken by the Government which is as ruinous in public as in private life, that of deciding great questions by little views. This Bill was brought into the House of Commons before we knew of the financial embarrassments in India that have since transpired. Circumstances may have rendered it difficult to calculate the extent of financial embarrassment in India until the present time; but I regret that this is not a Bill for enabling the Government to borrow a larger sum than is proposed. Time is of importance in finance as well as in war, and occasions and necessities of borrowing may occur, of which we should be able to avail ourselves at once. I therefore regret that the power of borrowing is not given to a greater extent. But this financial embarrassment does not come upon me by surprise. I took occasion eleven months ago to express in this House my apprehensions that, great as were the dangers of a protracted war in India, there were other dangers looming in the distance, of financial difficulties, arising out of that war, which dangers were the subject of greater apprehensions than the war itself. These apprehensions do not appear to have been entertained by the Government of India; and, I must say, I think that my noble Friend, the Secretary of State for India, deals extremely gently with this branch of Government Administration in India when he complains very slightly of something like want of foresight in those intrusted with financial affairs in India. My Lords, there is but one person intrusted with the superintending management of financial as well as other affairs, and that is the Governor General. The Governor General alone is responsible; because, by the Act of Parliament, if his Council differ from him in a matter of such importance, he has the power of overruling them. If he leaves the Presidency and goes up the country, he always takes with him the second financial officer of the Government, and he ought to be in weekly and even daily communication with his Chancellor of the Exchequer. His predecessors have been so, and if they had not been so the most serious dangers might have arisen. What I apprehend is this, that Lord Canning left all these affairs, as he thought, safely in the hands of the President of the Council, for it was only when he arrived at Calcutta on the 26th of January, that he appears to have perceived the extent of the difficulty. I deeply regret that the financial embarrassment was not sooner perceived by the Governor General, because I know the necessity that exists for his individually superintending the financial as well as every other department of the Indian Government. Let us place this question of finance on the true ground. We may take the year 1856-7 as our point of departure, because this year has been correctly stated as a year in which expenditure very nearly balanced the income. I believe the deficit in that year did not exceed £180,000. I moved for a return, which shows these results. Since that year, the interest added to the debt here is £457,664; the interest added in India is £527,257; the interest upon £12,000,000 which will have been raised here at 4¼ per cent. is £510,000; and the interest on £5,000,000, raised in India is £275,000. Thus, since the commencement of the mutiny, two years ago, the additional expenditure incurred by India, on account of the increased debt, is £1,769,921; to which there is to be added the £180,000 deficit in 1856-7, making altogether an expenditure exceeding revenue of little less than £2,000,000. My Lords, if this were all, I should not be under any great apprehensions, because I recollect perfectly well that when I came into office, thirty years ago—In September, 1828—the Government of India of that day were under great apprehensions relative to the finances; the Court of Directors were then looking forward to the prospect of the termination of their charter, and they were anxious to reduce their expenditure. When I was at the Board of Control, I had the inestimable advantage of the assistance of the late Duke of Wellington; and I am bound to say that the Court of Directors co-operated with me most zealously, most honestly, and most usefully in the reduction of the expenditure. In the two years and a quarter during which I held office, we either made absolute reductions that were completed, or brought into operation reductions which were not quite completed when we left office, or had determined upon further reductions which were almost immediately to be carried out, amounting to £1,864,000 per annum. And it must be remembered that this reduction was made with a much lower total of revenue and expenditure than now exists. Looking back, therefore, to what has been done, I should not be under any apprehensions if this were the only difficulty. But, my Lords, we must not forget that there is an enormous expenditure attending upon the winding up of a great war, and that it will be years before these arrears can be discharged. It must also be considered that whatever our disposition may be, it will be impossible for us at once to reduce to the level of the army of 1856-7, the vast force we now have in India. It will be necessary that we should hold a strong European garrison in India for four or five years, until no one can indulge the hope of overthrowing our empire. My Lords, I can imagine no policy so injurious, so unwise, and so discreditable as that of at once relaxing our hold when with infinite difficulty we have subdued our enemies. Still, in order to equalise the revenue and expenditure, the Governor-General will be bound to consider the reduction of the army. I was not aware that the Native force amounted to so large a number as was stated by my noble Friend (the Earl of Derby); and I think he is not quite correct in mixing the military police with the troops in his statement. My noble Friend must remember that when a police of a military character is established the police of a civil character is removed. From the very day the military police was established by Mr. Montgomery the civil police was reduced. The number of that civil police many years ago, including those employed in the revenue department, amounted to as many as the whole Indian army; and no doubt since that time there has rather been an increase than a decrease. But when my noble Friend mentions 320.000 as the present number of the Indian army and the police, I should strike off 100,000 police as standing in the place of the civil force, but being of a more efficient character. I was the first who established the military police in India. When I left India it was done away with by the court of Directors; and what you are doing now is to re-establish that system. I know it may be urged now, as it was in my time, that although I reduced a much greater number of the civil force than I raised of the military police, the expense was greater. I gave the soldiers better pay, but the increase of expenditure was very small, while the country was much better served. Then, with regard to the European troops: we had at the beginning of this mutiny a European force of 38,000 effective men in India, and I cannot imagine a state of things during the next four or five years which would render it safe for us to leave India without a European force of at least double the amount we had there in 1856-7. There is very great expense attached to the employment of European troops in India; the cost of one European regiment equals that of three Native regiments. To reduce the expense of the Indian army to the scale on which it existed in 1856-7, it would be necessary to dismiss 114,000 men of the Native troops. I believe that may be done, but the reduction must not be carried into effect rashly, or at once. If the Government suddenly dismisses 114,000 men, or pays off any great proportion of them, every man will become a Pindaree. You will have to meet the difficulties for four or five years before the period will arrive when it will be safe to reduce this force. It is very advisable to provide for a portion of the increased expenditure by an increase of taxation; but we must remember, that though the Indian will submit to an old tax, he has very strong objections to a new one. At the close of a war it is absolutely necessary that the Government should not run the slightest risk of exciting the feelings of the people on the subject of taxation. But the objections to a new and direct tax do not apply to raising a larger revenue from the Customs duties. I trust also, there will be no difficulty in imposing the stamp duties on the three Presidency towns, which the Government, by a recent Act, is enabled to do. Hitherto, the wealthy inhabitants of the Presidency towns have had an exemption from the tax paid by the rest of the empire. I have heard a tax on tobacco suggested. I hope such a tax will not be imposed. I think it not advisable to impose any other tax which would have the effect of a poll-tax. But the inhabitants of Madras and Bombay, who are so much better off—I never could understand why—do not pay so high a tax on salt as the people of the other parts of India, and I think the Government may, with reason and justice, raise the salt-tax in those Presidencies to an equality with the amount paid in the other provinces. I think the Government might also fairly impose a tax on persons engaged in trade. At present that class, throughout India, is almost entirely exempted from taxation. How such a tax can be imposed without exciting discontent and be easily collected, I am not prepared to say; but means should be found of compelling these classes, who are the wealthiest in the country, to contribute to the revenue. If I had remained in India I had intended to propose to the Native Princes, an arrangement with regard to the payment of the customs duties, on the principle of the Zollverein of Germany; its object was to render the whole of India, from the ocean to the Himalayas, entirely free for the transport of goods by all persons. By facilitating the internal intercourse of 150,000,000 of people, I hoped I was laying the foundation of a degree of prosperity which India had never yet seen, and which ought to accompany the rule of an enlightened nation. It is said that "parsimony is a great revenue," but good government is a greater; and I am certain that a government established in India in conformity with the wishes of the people, and that alone, will enable you to reduce your military force to such an extent as to keep the expenditure within the revenue. I have here a letter from a very intelligent Native gentleman, now employed in a situation of great trust under the Government of India, who says, "No laws will ever succeed, whatever force they may bring to back them, if they will not suit the views, wishes, and customs of those who come under their operation. This is my full belief, confirmed by long and personal experience of my country and my countrymen; but I find the European public is as blind after the mutiny as it was before." He says, also, that "no single proof has yet been given that the Government will act in accordance with the spirit of the Proclamation." I would place before you as an example of the effect of good Government, the territory of Scinde. At the most critical period of the revolt there were in Scinde only 500 Europeans. There was a mutiny at each of the three principal stations; those mutinies were put down, but not one native of Scinde has been executed, and no mutineer has suffered without a regular trial. That is good government—the government established by Sir Charles Napier, and continued by his two able successors. They have made that country the most loyal from one end of India to the other. They have governed that part of India without being compelled to come to this country for assistance. Where there is an unbroken succession of able Governors, all possessing the same principles of wise policy, much is effected for the people; but when the succession is, as is too often the case, broken in upon by the introduction of an incompetent man, the labours of the able are rendered vain. But, my Lords, whatever you may do for the general benefit of the people, be assured that the one thing above all others which it is absolutely necessary to do, in the first instance, is to give them the most absolute security with respect to their religion. Their apprehension upon that subject was the immediate cause of the war we have had in India. Nothing can exceed the fairness and justice of the policy expressed in Her Majesty's Proclamation, and if the Government will determine to carry that Proclamation into effect in all its spirit. and will compel those who serve under it to act in accordance with its principles, you may be assured that at no distant period you will be enabled to look with satisfaction and joy to the state of India, and not with a feeling of sorrow, of shame, and of remorse.

The Earl of ALBEMARLE said, he wished to call their Lordships' attention to one or two points connected with the revenue of India, previous to the outbreak. Their Lordships would remember that the customs levied by us in India were not levied merely upon our own 130,000,000 of subjects, but also upon 70,000,000 other people, inasmuch as we had the whole of the seaboard. What, then, was the amount of the customs obtained from these 200,000,000 of people in the year preceding the rebellion? The paltry sum of £770,000. It had been stated that the Government intended to put a tax upon tobacco in India; but he was glad to find that so obnoxious a tax had been abandoned. The stamp duties, which it was proposed to increase, yielded for so great a country as India an inconsiderable sum, and the revenue from salt had actually declined, notwithstanding the great increase in the population. For the last fifty years there had been no increase in the revenue from land, or from any article of consumption upon which a tax was imposed and to which the Native subjects of India were contributories. His noble Friend the noble Duke who spoke early in this debate, (the Duke of Argyll) would have to admit, upon further examination, that he (the Earl of Albemarle) had not, as the noble Duke imagined, over-estimated the grinding taxation to which the Natives of India had been subjected under our dominion. He would mention one fact which, he thought, demonstrated the extreme misery of the Indian population under the present system of taxation. The Secretary for India had stated, in "another place," that our revenues had increased with our territorial possessions. In one sense, that was true; for, in cases where the Government had seized the revenues of native Powers, the general revenue had, as a necessary consequence, increased—but with these exceptions, for the last fifty years there had been no increase in the land revenues, or upon any article of Indian consumption to which the Native subjects were contributors. In the Presidency of Madras there had been an actual decrease. About fifty years ago the land revenue in the Presidency of Madras amounted to £3,500,000 the population being 16,000,000. The population was now 23,000,000, and if the land-tax had increased in the same proportion it would now be £5,000,000, whereas it had remained stationary. What, then, must be the wretchedness of that population of 23,000,000, which had to subsist upon the same produce of the soil as fed the 16,000,000 of fifty years ago? Expectations had been held out that there would be an increase in the land revenue of India; but how could the Government expect any increase of revenue from a people who were already taxed at the rate of 18*s*. in the pound? One of the present Council of India had given evidence before two Parliamentary Committees, and had made a statement to the effect that when the rent of land was taken the parties paying that rent were not taxed at all. What would that House of landlords which he was addressing think if 18*s*. out of every pound of rent received by them were taken from them by Government collectors? Would they think, if that deduction were made from their incomes, they were not at all taxed? Mr. M'Culloch, in his well-known work, described rent as a compensation for the expense of farm buildings, drains, roads, etc., but that rent, properly speaking, could only be considered in the light of compensation for the latter. Rent might be a fair subject of taxation; but how, he asked, could they separate the rent due to the landlord from the interest on the capital laid out in the improvements of the land? Rent had always existed in Hindostan, where there had been land in cultivation hundreds of years, but not in Pegu or Arracan and other parts of the country. When, therefore, the Government laid a heavy tax in Pegu and Arracan on such products as rice, they imposed a capitation tax of the most odious description. With regard to customs' duties, they could only be productive when masses were in such a prosperous condition as to be contributors. In England they raised large amounts, but he was most distrustful of the customs' duty which it was proposed to levy upon the greatly taxed people of India. Instead of paltering with an excise and stamp tax which had proved unproductive, and instead of the very questionable succession duty, he suggested that an export duty should be levied upon the staple commodities of India—upon the rice of Pegu and Arracan for example, upon indigo, oil seeds, and other Native products. This advantage would arise from an export duty—that it would be paid by the wealthy foreigner instead of by the rack-rented and hard-pressed people of India. It was remarkable that the only elastic tax in India was one as to which no merit could be claimed by the Government inasmuch as all they did was to impose a duty upon it before it went into another country. The duty on opium yielded a revenue of £3,500,000, one-fifth of the whole net revenue of India, and it was rather a serious consideration to reflect that this one tax had been the means of preventing the Indian exchequer from becoming bankrupt, leaving us the alternative, either of giving up the country or of coming to the Imperial Exchequer. Here he would throw out for the consideration of the Government the propriety of abandoning the existing monopoly with regard to opium. At the present moment the Chinese were themselves cultivating this article to a very great extent. Opium was grown in the remote provinces of China, but it was of very inferior quality; at all events, the Chinese liked our opium better than their own. Now, if the monopoly were abolished, we should be able to enter into a fair competition with the producers in China, which under the present system was out of the question. It was unnecessary for him to dwell on the immorality of the opium trade, for he had spoken on this subject a few evenings ago; and by the late treaty, too, the trade had become perfectly legal. Passing from this subject, then, he would express his regret that the Government had announced their intention not to deal with any of those vicious systems of land revenue which he believed to be the main cause of all our embarrassments. He had heard it assigned with surprise as a reason for taking that course that the Natives of India were so wedded to their present system of land tenure that it would not be expedient to interfere with it. He must, however, remind their Lordships that neither the zemindaree system, which now prevailed in Bengal, nor the ryotwarree, which obtained in Madras, nor the village system, which existed in the North-Western Provinces was fifty years old; these several systems were, in fact, English in their origin, and he could not therefore see why they should not be meddled with. For his own part, he felt confident that the principle on which we at present acted in India, of allowing the State to be regarded as the chief landlord, and granting no leases in perpetuity operated as a virtual exclusion of the European from that country, and thus deprived it of an advantage in which, in his opinion, was to be found the best, if not the only means of regenerating its people, and making them prosperous and contented.

The Earl of DONOUGHMORE, said that as regarded the observations which had fallen from his noble Friend (the Earl of Ellenborough) in reference to remittances alleged to be made to India to this country in connection with railways, said, that it was a mistake to suppose that the money in question was paid by the Indian Government out of Indian resources. The whole thing was, after all, a mere matter of account. Out of every million sterling which was subscribed for the construction of railways in India about £440,000 was spent for the necessary works performed in this country, the remaining £560,000 being applied, in the first place, to the payment of the interest guaranteed to the shareholders; any sum which happened to be left being devoted to the purpose of defraying the capital expenses of the Government of India. Now, if that sum of £560,000 which remained after the payment of the necessary expenses were remitted to India, an equal amount should be remitted thence to this country for the purpose of defraying the expenses of the Home Government, &c.; so that, in point of fact, the £560,000 which were retained in this country merely replaced the remittances which would otherwise have to be made from India for the expenses of the Home Government—an arrangement which he could not help regarding as extremely judicious.

Lord MONTEAGLE said, the House had a right to complain of the complicated and unintelligible manner in which the Indian accounts were presented to them. The question involved in this Bill was one of great magnitude. He could give the authority of Lord Hardinge for saying that the real danger of India was not so much in the people we had to govern as in the finances of India. It was a mistake to suppose that the difficulties of Indian finance had originated with the mutiny. That they had been greatly enhanced by the mutiny he admitted; but that they had been occasioned by it he utterly denied. For a long period antecedent to that event the revenue had fallen short of the expenditure. In the twenty-two preceding years there had been £20,000,000 of deficiency and only £5,000,000 of supply, leaving a net deficiency of £15,000,000; so that the remark of the Chancellor of the Exchequer that the state of Indian finance was a "state of chronic deficiency" was perfectly just. To that chronic deficiency it was most difficult to apply a remedy. He did not see much prospect under existing circumstances of greatly reducing the expenditure in India, and the noble Earl had not held out the prospect of obtaining any large increase of revenue from additional taxation. It appeared, however, that there was some hope of obtaining assistance through the medium of the support of English credit; and he might remind the House that in 1810 and 1812 the wants of India were recited in the preambles of certain Acts as a justification for the advances which in those years were made to India. He believed that the revenues of India were fully adequate to meet the interest on the debt; but what in the meantime, without assistance from England, was to become of our army, and what of our civil service in India? At the present moment the civil servants were only receiving subsistence money, or "board wages" as it might be termed, and that short payment was to be continued for a period of three months. Would they allow the army to remain unpaid? But if the Indian resources should be insufficient to pay for the Indian service, there was no choice but for this country to provide the funds or to abandon India. He wished to know when the Report of the Commission upon the Indian army would be laid upon the table.

THE EARL OF DERBY said, the Report had been received; but the Government did not wish to lay it upon the table unaccompaanied by the evidence, nor before the Government had had time to decide the course they would adopt in consequence.

Motion *agreed to.*

Bill read 2ª accordingly.

Committee *negatived.*

Standing orders Nos. 37 and 38 *considered* (according to Order), and *dispensed with*; and Bill read 3ª and *passed.*

House adjourned at half-past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 7, 1859.

MINUTES]. PUBLIC BILLS.—1° Confirmation and Probate Act (1858) Amendment); Convict Prisons Abroad.

2° Pauper Maintenance Act Continuance; Naval Medical Supplemental Fund Society Annuities, &c. Act Continuance; Railway Tickets Transfer.

3° Tramways (Ireland); Superannuation.

THE STATE OF EUROPE AND OUR FOREIGN RELATIONS.—NOTICE.

VISCOUNT PALMERSTON: I beg to give notice that I shall to-morrow, on the Motion that the House do adjourn (and, if necessary, I shall move the adjournment), make some observations on the state of our Foreign Relations, and ask the Government to state, as far as may be consistent with their public duty, what is the present position in which this country stands, either as mediator or as negotiator, in regard to the discussions now going on either at Paris or elsewhere in regard to the affairs of Italy and Europe in general.

COUNTY COURT PRISONERS.

QUESTION.

MR. HUGHES said, he would beg to ask Mr. Attorney General what steps (if any) have been taken to prevent the practice of imprisoning Debtors who are confined under judgments of County Courts in a Remand Ward; and if any inconvenience would arise by making the rule applicable to Fraudulent Debtors, and not to mere cases of contempt for non-payment.

THE ATTORNEY GENERAL said, that since a question had been asked of his right hon. Friend the Home Secretary on this subject inquiries had been made into the matter, and he was informed that the Law Officers of the Crown three or four years ago had expressed their opinion that the prisoners under this Act could be treated as persons guilty of misconduct, and be subjected to severe restrictions. On looking at the Act of Parliament he found that there was certainly a power, when Insolvent Debtors came before County Court Judges, and it was proved they were guilty of fraud or making away with their effects, to subject them to that rigorous imprisonment; but County Court Judges had also the power of imprisoning persons who answered the Court in what was deemed an unsatisfactory manner, and the practice of County Court Judges in some cases had been to imprison those who did not give a satisfactory answer as to the non-payment of money. He had instituted an inquiry into the administration of justice by the County Court Judges, and should consult his right hon. Friend the Home Secretary with reference to making an alteration in the rules with regard to the treatment of County Court Prisoners. He was of opinion that none but Fraudulent Debtors should be imprisoned.

TENANT RIGHT.—QUESTION.

MR. GREER said, he rose to ask the Chief Secretary for Ireland whether the proposed Tenants' Compensation Bill for Ireland will be laid on the Table of the House before the Prorogation of Parliament; and also whether he has obtained any explanation with regard to the eviction of the Rev. Doctor O'Fay?

LORD NAAS said, two Bills had been prepared—one a Leasing Powers Bill, and the other a Bill for amending the Law of Landlord and Tenant in Ireland, but it would be impossible to lay them on the Table during the present Session. At the earliest possible moment, however, after the meeting of the new Parliament they would be forthcoming. With regard to the second part of the question, such an explanation had been received.

MR. J. D. FITZGERALD said, he wished to know whether in substance the two Bills referred to by the noble Lord were the same as the two which had already been before the House, and whether the Government contemplate introducing a Tenants' Compensation Bill?

LORD NAAS said, the Leasing Powers Bill was very much the same, and the second Bill included a Tenants' Compensation Clause, but of course he could not state then what the nature of the proposal would be.

NATIONAL SCHOOLMASTERS IN IRELAND.

MR. LEFROY said, he would beg to ask whether the attention of the Government has been directed to certain observations of Baron Greene, when passing sentence upon Sullivan (one of the Masters under the National Board) as convicted of being engaged in a conspiracy to dethrone Her Majesty, &c., where his Lordship stated, "I regret to say the evidence tends to show that others concerned with you in this guilty conspiracy have also been Schoolmasters intrusted with the education of the youth of this country;" and whether it was the intention of the Government to require the Commissioners of the National Board to institute a careful inquiry into the moral character and conduct of all the Schoolmasters now employed by the Board in the care and instruction of the youthful classes of the Irish people. He would also beg to ask the Irish Secretary what he proposed to do with a very important Bill which had stood for yesterday, and was postponed till next Thursday. He alluded to the Ecclesiastical Court and Registry Bill.

LORD NAAS replied, that it was not the intention of the Government to proceed with the Ecclesiastical Court and Registry Bill. The remarks of Baron Greene had been brought under the notice of the Irish Government, and it was the intention of the Lord Lieutenant to draw the attention of the Commissioners of the National Board to them.

SUPPLY.—REPORT.

MR. FITZROY *brought up* the Report upon Supply, upon which

SIR GEORGE LEWIS observed, that some discussion took place the day previous on the Vote of £2,000,000 for the payment of Exchequer bonds falling due in May next, and it was understood that some explanation would be given to-day by the right hon. Gentleman the Chancellor of the Exchequer as to the intentions of the Government with regard to this debt, and that the House would be informed whether it was intended simply to pay off these bonds and hereafter to ask for power to renew them or create a debt in some other manner of equivalent amount, or whether it was intended to defray the sum out of the Ways and Means of the year, without asking for power to create an equivalent amount of debt.

THE CHANCELLOR OF THE EXCHEQUER said, he had intended to make his usual financial statement on Monday next; but it was now impossible, in the peculiar circumstances of the House, to make that intended statement. The House would admit that it would be unfair to press him to make anything like a partial statement at the present time; but with respect to this particular Vote, he begged to state that, by the arrangements which he had made, and which he trusted on a subsequent occasion to have an opportunity of submitting to the House of Commons, it was his intention to pay off these bonds entirely—definitively to pay them, and not to renew them, and not to borrow money in any other form with that object.

Mr. W. WILLIAMS said, he wished to inquire whether the Chancellor of the Exchequer had a surplus of revenue to the amount of £2,000,000 to pay off the bonds?

The CHANCELLOR of the EXCHEQUER said, that the hon. Gentleman, if he should be present when he made his statement, would then have the opportunity of criticising it with his usual acumen; but at present he would content himself with saying that he should pay out of the Consolidated Fund this engagement of the country when it became due.

Resolutions *agreed to.*

SUPPLY.—NAVY ESTIMATES.

Order for Committee read.

House in Committee.

(1.) Question again proposed—

> "That a sum, not exceeding £450,000, be granted to Her Majesty, on account, towards defraying the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1860."

Question put, and *agreed to.*

The following Votes were also *agreed to*:—

(2.) £15,000, on account, Wages to Artifices and others, Naval Establishments Abroad.

(3.) £700,000, on account, Naval Stores.

(4.) £180,000, on account, New Works, &c.

(5.) £15,000, on account, Medicine and Medical Stores.

(6.) 22,000, on account, Naval Miscellaneous Services.

(7.) £350,000, on account, Half-pay, &c. to Officers of Navy and Royal Marines.

Mr. LINDSAY said, that the First Lord of the Admiralty had intimated his intention of bringing forward some plan dealing with the retirement list, and he wished to know whether anything had been done in respect to that plan.

Sir JOHN PAKINGTON said, he could only answer the question in the terms in which he expressed himself when he introduced the Navy Estimates. He had a plan in contemplation with respect to naval promotion and retirement; but the magnitude and importance of the subject was such that he could not venture to submit the proposal to the House except after very great consideration. He hoped to be able to bring the subject, with other contemplated improvements in the Navy, before the House shortly after the meeting of the new Parliament.

Sir CHARLES NAPIER said, that Parliament had been extremely liberal already in respect to retirement; and the consequence was, that a great many good officers, some much younger than others remaining in the service, had been put out of commission. He, of course, could not tell what the First Load of the Admiralty contemplated, but he hoped that the House of Commons would not agree to give a single sixpence more for retiring allowances, because the steps taken already were ample.

Vote *agreed to,* as were also the following Votes on account.

(8.) £240,000, Military Pensions and Allowances.

(9.) £80,000, on account, Civil Pensions and Allowances.

(10.) £70,000, on account, Victualling and Conveyance of Troops, Army.

(11.) £300,000, on account, Packet Service.

Sir CHARLES NAPIER said, that he should like to see this charge taken away from these Estimates altogether. The Packet Service was much more connected with the Post Office than the Navy, and the money ought to be provided for under that head.

Sir JOHN PAKINGTON said, he was quite of opinion that the Vote ought not to belong to the Navy Estimates, with which it had really nothing to do. It was formerly connected with the Post Office Estimates, and he confessed he thought it ought to be so still.

Mr. WILSON said, he thought that whatever department had the management of the packets ought to have the control of the Vote, and it would never do, where the packets were so large, and required so much skill, that the Post Office should have the control of the Vote. He quite agreed that this Vote ought not to be included in the Navy Estimates to swell the amount, but he hoped that the Admiralty would not divest itself of duties so well performed as were the duties of the packet service.

Sir JOHN PAKINGTON said, that of course he must submit if there was a reason for attaching this Vote to the Navy Estimates, which must then continue to be swelled out by an expenditure with which the naval service had nothing to do.

Mr. WILSON said, he would suggest that the best way to correct the evil would be to make this vote a Treasury Vote.

Mr. MOORE said, he hoped to see the day when contract packets would no longer be maintained, but when ships belonging to the Royal Navy would be employed in the mail service under the command of merritorious officers, to whom such employment would be a reward, and a nucleus would thus be formed for keeping up an efficient force of seamen, who would be available in case of necessity. No less than £1,000,000 was now expended annually upon the mail contract service, which might be applied in such a manner as to secure a reserve of able and experienced seamen, who might at once be available in case of emergency. One of the conditions of the mail contracts was, that the ships employed in that service should be fitted in such a manner and should be of such strength as to be capable of carrying the heaviest guns used in Her Majesty's Navy, but he believed that out of the immense fleet of vessels employed as contract packets there was not one which was fitted for carrying guns according to the contract. He hoped this subject would receive the attention of the right hon. Baronet the First Lord of the Admiralty, and that an end would be put as soon as possible to the present system of contracts. Such contracts might be advantageous in establishing new communications, but he held that when trade was once opened to any part of the world the continuance of a system of subsidies was most injurious to the public interests. He believed that not one of the companies who supplied contract packets paid back to the Post Office in revenue the amount they received for the contracts. He had seen it stated that £30,000 was paid annually for carrying the South American mails, and that the revenue returned was £32,000; but this contract was merely a rider to another contract of £240,000 for carrying the West India mails, and he should like to know what were the postal returns upon that contract.

Sir CHARLES NAPIER remarked, that he did not concur in the views of the hon. Gentleman. If our men-of-war were devoted to the conveyance of letters alone to different parts of the world, the expense of the service would be much greater than under the contract system; while if they were also required to carry passengers, the consequence would be that the packets would become floating hotels, and naval officers would be turned into hotel-keepers. This had been the case under the old system, but he hoped it would never occur again.

Sir GEORGE PECHELL said, he was anxious to call the attention of the First Lord of the Admiralty to the valuable invention of Captain Kynaston, R.N., for lowering boats from the quarter and stern of ships when going fast through the water, by which means many lives might be saved. The value of the invention had lately been demonstrated on board Her Majesty's ship *Euryalus* (the vessel in which Prince Alfred was serving), when, a seaman having fallen overboard off Alexandria, the boat was lowered in a strong wind and heavy sea, the ship going eight knots through the water, and the man was saved. He (Sir George Pechell) wished the right hon. Baronet to obtain, and lay on the table a report of the different trials made of Captain Kynaston's disengaging hooks, and, as rewards were given for valuable inventions for the destruction of life by means of explosive materials and large guns—as baronetages, and perhaps peerages, were the rewards of such inventions, it was certainly expedient that some due acknowledgment should be awarded to those who had projected the means of saving life. Captain Kynaston was suffering from wounds sustained in the Crimea, and his case was in every way deserving of consideration.

Sir JOHN PAKINGTON observed, that he was afraid the gallant Admiral had misunderstood what he (Sir John Pakington) had said on a former occasion. He had not said that the invention was now under the consideration of the Lords of the Admiralty, but that the experiments upon, and trials of the invention were not yet completed, and that the Admiralty were not yet in possession of any report on the subject. He sympathized most sincerely with Captain Kynaston under his sufferings, which were the results of valuable services rendered to his country, and he also felt grateful to that gallant officer for the endeavours he had made to bring to perfection a most useful invention for the preservation of life. He heartily hoped, for the sake of the gallant officer, that his invention might prove successful, but he was not at present in a position to produce the report for which the hon. and gallant Member for Brighton had asked.

Vote *agreed to.*

SUPPLY—ARMY ESTIMATES.

(12.) £150,000, on account, Clothing and Necessaries.

MR. W. WILLIAMS said, he wished to call attention to the expenditure incurred for the clothing of the Guards as compared with the regiments of the line. The annual cost of the clothing of the Horse Guards was £8 15*s.* 2*d.* per man, while the cost of cavalry of the line was £5 8*s.* per man. The annual cost of clothing for the Foot Guards was at the rate of £4 2*s.* 8*d.* per man, and for the line of £2 6*s.* 3*d.* per man. The cost of the Guards was, therefore, very nearly double that of regiments of the line, and although he wished to see the army properly clothed, he thought the Committee ought to know the reason of this difference.

GENERAL PEEL said, that he was surprised that the hon. Gentleman should find matter for complaint, as there was no difference whatever in the clothing of the Guards for this as compared with previous years; but there had been a reduction of £5,000 under this head. He did not think much fault could be found with the cost of the clothing of the army when the line were supplied at only £2 6*s.* 6*d.* per man per annum. On the whole Vote there was a decrease this year of £289,460 as compared with 1858-9. A portion of this decrease was occasioned by the fact that they were enabled to dispense with the large store which was formerly necessary, and that the number of free kits now issued was much less than formerly. The only difference between the present and the old system was, that the clothing was supplied by the War Office instead of by the "clothing colonels." The same contractors were engaged, and the cloth was of very good quality.

GENERAL CODRINGTON remarked, that he had heard an hon. Gentleman, a member of the Contracts' Committee, say that the change to what was called the Weedon system had cost this country at least £100,000 a year, besides destroying the responsibility which used to prevail in regard to the clothing. But the system had again been changed; the War Office now made the contracts direct with the different firms, and the responsibility, instead of attaching as formerly to the "clothing colonels," devolved on those contractors, whose good name would, of course, suffer if any complaints were found necessary.

Vote *agreed to;* as were also the following Votes.

(13.) £12,000, on account, Rewards for Military Service.

(14.) £35,000, on account, Pay of General Officers.

(15.) £240,000, on account, Pay of Reduced or Retired Officers.

(16.) £90,000, on account, Pensions to Widows of Officers, &c.

(17.) £20,000, on account, Pensions and Allowances to Wounded Officers.

(18.) £13,000, on account, Chelsea and Kilmainham Hospitals.

(19.) £550,000, on account, Out Pensioners Chelsea Hospital, &c.

(20.) £60,000, on account, Superannuation and Retired Allowances.

(21.) £30,000, Buildings, &c., Rifled Ordnance Factory, Woolwich.

GENERAL PEEL observed, that a supplemental arrangement had been made to be met by this Vote of £30,000 for the establishment at Woolwich of a manufactory of Sir William Armstrong's guns under his immediate superintendence.

VISCOUNT PALMERSTON said, he wished to ask what had been done with regard to the large mortar invented and made by Mr. Mallet. He understood that there had been several trials of this weapon, that in the main it had succeeded, and that, though parts of the mortar had at different times given way, these defects had been on each occasion remedied. At the last experiment one of the stays which held together the segments of which the mortar was compounded, being more tightened than the other stays, and having therefore to bear the whole strain of the explosion, gave way, but another stay was ready, and that accident was no proof whatever of failure. Hitherto, he understood, the mortar had not been tried with a full charge calculated to produce the greatest range of flight, and as yet no experiment had been made, by burying one of the shells to the depth to which it would probably penetrate when falling loaded at the end of its flight, and then exploding it while so buried, in order to see what would be the extent of the crater which the explosion would produce. He thought it exceedingly important that the weapon should be tried to the utmost, and he wished to know, therefore, whether these trials had been made, and, if not, what reason existed for not carrying the experiments further, so as to ascertain the applicability of the mortar for warlike purposes.

General PEEL said, he had had no notice of the question, and therefore he could not enter into so full an explanation as he could wish when speaking merely from memory; but as far as he recollected, an expense of nearly £13,000 had been already incurred in the trial of this mortar, and the last report of the Ordnance Committee was to the effect that they did not consider it advisable to continue these experiments. He did not say that the experiments should not be renewed, but at the present moment the Ordnance Committee did not think it advisable to incur any further expenditure in this way. He would, however, put himself in a position to be able to give the noble Lord a more circumstantial reply.

Captain VIVIAN said, he wished to inquire whether the Government intended to persevere in their determination to send out twelve batteries of Artillery to India. The noble Lord the Secretary for India the other night had stated such to be their intention; but he had given no sufficient reasons for sending out so large a force at this period, when the rebellion was at an end, and there was no longer any enemy in the field. He thought that there would be a great risk incurred in the sending out twelve batteries of Artillery. He should wish to know whether the Government were or would be prepared, on some future occasion, to enter into a more detailed explanation upon this subject.

General PEEL said, a requisition had been made by the Indian Government for twelve batteries of Artillery; but the noble Lord the Secretary for India and the Council for India, having duly considered the matter and the present state of our Eastern Empire, decided upon sending out only half the amount of the force required. It was deemed absolutely necessary to have a larger force of European Artillery than of Native. The proportions of the European and the local force were regulated by the report of the Indian Commission.

Captain VIVIAN said, as he understood the requisition, it was for twelve batteries, without the guns — that they simply wanted the men in India. He believed that there were plenty of guns out in India as well as stores of all kinds.

General PEEL was understood to say that some large batteries had already gone out.

Colonel SYKES observed, that when the requisition for those batteries had been made, the rebellion was raging in India, and that there was no prospect of its being immediately quelled. Now, however, that India lay prostrate at our feet, and that her financial embarrassments were so great, it was, he thought, highly inexpedient to encumber her with an additional force of 3,000 men, who would be obliged to go into cantonments, and would be insufficiently provided with barrack accommodation.

Sir HENRY WILLOUGHBY said, he believed that the cost of British Artillery in India was not greater than that of European artillery in India. He thought that the Government ought to take care that no unnecessary expenditure should be incurred under the present embarrassed state of the Indian treasury.

Sir DE LACY EVANS said, he wished to know what was the date of the requisition which had been referred to. For his own part, he was of opinion that even one-half of the twelve batteries in question ought not to be sent out to India. Nobody who was acquainted with the subject could for one moment doubt the efficiency of the artillery employed by the East India Company, to the admirable quality of which both the late Lord Hardinge and Sir Charles Napier had borne testimony. He could not help thinking under those circumstances that there were strong objections to the discontinuance of the local artillery in India. [General Peel: Nobody proposes to do that.] He was under the impression that it was proposed to discontinue the European Artillery now in India, and if he were right in that view he should beg the gallant General to bear in mind that any artillery force which might be sent out from England to supply its place must, for a time, be comparatively inefficient, owing to the non-acquaintance of the officers and men with the language and habits of the Natives. He might also observe that during the recent rebellion 400 pieces of cannon and about 1,000,000 stand of arms had been taken from the enemy, that 800 forts had been destroyed—so that the fact, in reality, was that the artillery in India was in excess of what was required. That being so, it would, he thought, be a most unwise proceeding at a moment when the aspect of Europe was so ominous to send out even the reduced number of thirty-six guns, as he understood was now proposed. For his own part, he strongly objected to the diminution of the artillery force in this country by even a single gun, and he should suggest the expediency of postponing compliance with the requisition of the Indian Government on the subject until the report of the Commissioners on Army Organization had been received and considered. If Her Majesty's Ministers were to act otherwise, and carry out their present intention, he must say that they would, in his opinion, commit a great blunder. Having said thus much on that point, he might be permitted to draw the attention of the Government to the circumstance that the policy of establishing, at a great expense, an iron foundry at Woolwich for the manufacture of large cannon was open to much doubt. There was a considerable number of similar establishments in the country which furnished excellent cannon of that description at a fair price, and, besides, there was a large number of those guns in store. The foundry to which he alluded was, therefore unnecessary, and he should suggest that instead of being maintained for its present purpose, at an expense of £150,000, it should be handed over to the use of Sir William Armstrong.

Lord STANLEY said, he thought some misapprehension prevailed as to the reason why it was in contemplation to send out the Artillery in question to India. As far as he could gather from the observations of the hon. and gallant General, he seemed to suppose that it was intended to send it out as a force in excess of that which had existed in that country before the mutiny. Such, however, was not the case. The fact was, that a large portion of the Native Artillery of Bengal had mutinied during the recent outbreak. A deficiency had therefore been created in that province in that particular arm of the service, and in August last Viscount Canning had written home a statement of his opinion as to what ought to be the amount of the Artillery force which should be maintained in India. Now, if there was one point in reference to which there was a greater concurrence of opinion among military authorities both at home and in India than another, that point was that the great bulk of the Artillery in that country should be European, and not Native. It was necessary in the judgment of the Governor General to fill up the void caused by the desertion of the Native Artillery of Bengal. There was no question that that would be filled up by Europeans, but there was a question whether it should be supplied by a local European Artillery or by a reinforcement of the Artillery of the line. So far from prejudging the Report of the Commission, the course which was pursued had been expressly intended to avoid prejudging the matter. There was already a certain amount of the Royal Artillery serving in India, and to increase the force to some extent was not at all introducing a new principle, and the only question was whether the addition should be local or Royal Artillery, or how much of each. Pending the Report of the Commission, it was determined in a manner to compromise the matter, and to supply the immediate, and at that time pressing demand of the Indian Government by sending out a nearly equal proportion of Artillery of the line. Since that time, however, the state of India had so improved beyond what could have been expected in August last, and the military condition of India was very satisfactory, while, he regretted to say, the financial condition was just the contrary. For both these reasons the Government had determined, although their decision had not yet been announced to the Indian Government, to reduce the number of Artillery to be sent out by one-half. With respect to the guns, he might observe that they were not to be sent out. The guns were in India, and would be handed over to the troops on arrival in that country.

Sir DE LACY EVANS asked the date of the requisition.

Lord STANLEY said, it was a Minute of the Governor General, dated in August last.

Sir ERSKINE PERRY said, he heard with regret from the noble Lord that he had not complied with the real requisition of the authorities in India which, as he understood, was only to recruit for the local European Artillery from this country; and that the Government were going to send out six batteries of the Royal Artillery to India. It was quite true that a large proportion of the Native force had mutinied; but we had still all the officers remaining true. The intention of the Government, if carried out, would entail a heavy charge upon India. Now, all military authorities concurred in saying that the Indian Artillery was the best in the world. We had this skilled Artillery in India at present, and also officers there who were men of twenty and twenty-five years' standing. The young officers who were going out to

India were men, perhaps, of twenty-three to twenty-five years of age, whose presence there would have the effect of stopping all promotion. He trusted that before the close of the Session they would have the Report of General Hancock. All that was wanted in India were the troopers and gunners to complete the complement of the Indian Artillery.

LORD STANLEY observed, that even if the twelve batteries originally intended had been sent out, the force of Artillery in India would still be below the usual amount before the rebellion.

COLONEL SYKES said, he would remind the noble Lord that the void caused in the Bengal army by the destruction of the Native Artillery had been already supplied. He hoped for the sake of the finances of India that the Government would not persevere in their intention.

SIR DE LACY EVANS said, he wished that they had received some further explanation before the Vote was agreed to.

GENERAL PEEL hoped that he should be able to lay upon the table of the House before its prorogation the report of the Commission upon the Organization of the Army in India. He thought it would not be right to prejudge the question by entering into details before they had seen the report. With respect to the hon. and gallant General's proposition to hand over Woolwich gun-factory to Sir William Armstrong, he (General Peel) could not give his assent. So far from there being an excess of guns on hand he could assure the Committee that requisitions for 68-pounders from many of our most important garrisons still remained unfulfilled.

SIR DE LACY EVANS said, he thought the Government was practically prejudging the question by sending out Artillery before the report of the Commission had been presented. The requisition of the Governor General was made in August, when India was in the midst of a fearful struggle, and the Government were now going to comply with it to the extent of one-half when the war had completely ceased. He believed that even at present there were 133 pieces of the Royal Artillery in India besides the European guns. There were some persons who desired to get rid of the local force altogether, and the public could not help thinking the Government must have some other reasons for the course they were taking than those which they had stated.

GENERAL PEEL observed, that the hon. and gallant Member had no right to impute improper motives to the Government. Let the gallant General wait until he saw the report of the Commissioners before he accused the Government of acting in defiance of it.

MR. KINNAIRD said, he wished to know what was done with the officers of the late Bengal Native Artillery? Were those who were unemployed on full pay?

LORD STANLEY replied, that he was not aware that there was at present any considerable number of unemployed officers. He apprehended that most of the officers referred to had found employment, some in the new levies and some in civil employ.

COLONEL FRENCH asked, whether it was intended to break up the fine artillery service of the late East India Company.

GENERAL PEEL replied in the negative.

SIR ERSKINE PERRY said he must again appeal to the Government to suspend their order for the embarcation of the six batteries until the whole question had been considered and decided.

Vote *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

SUPERANNUATION BILL.

THIRD READING.

Order for Third Reading read.

SIR HENRY WILLOUGHBY said, he rose not for the purpose of opposing the third reading of this measure, but to ask the Government for an estimate of the expense which its provisions would entail on the country.

SIR STAFFORD NORTHCOTE stated, in reply, that the increase of expenditure consequent upon the passing of the Bill might possibly be £70,000 a year at the utmost, taking into account the additions to be made by taking in a new class of officers, and the possible effect of an alteration in the scale. £40,000 was estimated as the possible addition by taking in the officers of the Post Office, £10,000 by admitting other officers, and £20,000 by an alteration in the scale. The hon. Member for Devonport (Mr. Wilson) who had paid much attention to the subject, originally estimated the total increase in the expenditure at £100,000, but his (Sir S. Northcote's) belief was, that £50,000 would be nearer the truth.

SIR DENHAM NORREYS said, he considered this was one of the most improper and uncalled-for Bills the House had ever passed. It was founded on a promise of a revision of salaries, but that revision had never been and probably never would be, carried out; and yet the Bill would inflict a burden of £70,000 upon the country. He should feel pleasure in having recorded what would probably be his last vote in this Parliament against that Bill.

Mr. DRUMMOND said, the Bill was a most improper one, both in principle and detail. If it were just in principle, which he denied, every banker and merchant ought to provide superannuation allowances for his clerks and every private person for his servants.

Mr. WEGUELIN said, that as one of the Commissioners who had originally investigated this subject, he was desirous of expressing his belief that the Bill contained the only practical conclusion that could be come to upon it. The revision of salaries referred to could only be prospective, as it was almost impossible to reduce the salaries of existing officers. The Bill might throw an additional charge upon the revenue for the present, but ultimately it would result in a saving to the country.

Bill read 3° and *passed.*

NEWSPAPERS, &c., BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Mr. AYRTON said, he wished to ask the Government for a statement of their intentions with respect to this Bill.

Mr. SOTHERON ESTCOURT said, that when this Bill came on for a second reading his hon. and learned Friend the Solicitor General intimated that there were objections to some of its provisions. There were two classes of legislative enactments with which the Bill proposed to deal. One referred to security, the other to registration. The Solicitor General said as to security there were enactments that had become obsolete from circumstances, or which were never put in force; and his hon. and learned Friend was willing to accede to such provisions of the hon. Member's (Mr. Ayrton's) Bill as dealt with those Statutes or portions of Statutes. But with regard to the provisions under the head of registration his hon. and learned Friend reserved his opinion. Since the second reading of the Bill he (Mr. S. Estcourt) had received a memorial from the Society for Promoting the Repeal of Taxes on Knowledge, very distinctly pointing out the several entries contained under the head of registration, and pointing out how very little security they afforded. He believed they were all agreed that whatever real security existed against the publication of blasphemous, indecent, slanderous, or libellous matter ought to be retained; but that whatever was not necessary to afford such security, and whatever might be classed under the head of "obsolete" ought not to remain on the Statute-book. This was the feeling of Her Majesty's Government. Many of the provisions which the hon. Gentleman intended by his Bill to repeal, were enactments or portions of enactments passed by Parliament to meet special circumstances which no longer existed. Of this kind were the provisions directed against Jacobins. There was, therefore, no reason for maintaining those provisions on the Statute-book. The hon. Gentleman (Mr. Ayrton) desired to know whether there were any parts of several Acts enumerated in his Bill which the Government desired to retain. He (Mr. Sotheron Estcourt) had talked the matter over with his hon. and learned Friend the Solicitor General, and the result was that he could not consent at that moment to the Bill of the hon. Gentleman, for the amount of repeal which it provided for was so sweeping, and it embraced so large a scope of legislation — legislation extending over fifty years—that although on the whole he might not be prepared to point out to the hon. Gentleman what it might be necessary to retain, neither was he ready to say what part of the existing law might be safely abrogated. Therefore, considering the position in which the House at present stood—bearing in mind that even if the Government allowed the Bill to pass through the Commons it could scarcely pass through the Lords previously to a dissolution, he would make an offer to the hon. Gentleman. He would undertake that this matter should be fairly considered during the recess—considered in a spirit not different from that in which the hon. Gentleman himself had approached it—and that if he (Mr. Sotheron Estcourt) had the honour of a seat in the new Parliament he would himself lay a Bill upon the table, preserving whatever the Government thought necessary to be retained, and repealing whatever they thought might safely be dispensed with; or that if he did not bring forward a Bill on behalf of the Government he would communicate with the hon. Member should he (Mr. Ayrton) be a Member of the new House, and put him in possession of the views of the Government on the subject.

MR. EDWIN JAMES said, he thought that the country was much indebted to the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) for having devoted his attention to the matter; and, as Her Majesty's Government had met him in so fair a spirit, he (Mr. James) would take the liberty of suggesting to the right hon. Gentleman the Secretary for the Home Department that, at the most, all that was necessary to be preserved of the existing enactments having reference to newspapers was 6 & 7 *Will.* IV., c. 76. That statute prescribed registration, and that the printer's name should appear on the publication. Now, as the object of legislation on this subject at the present day ought not to be to clog newspapers with restrictions, he thought that the provision requiring the printer's name to be attached to the publication would be sufficient. Since the establishment of the cheap press attacks on private character had not been known, the conductors of the newspaper press discharging their duties, as journalists of public matters, without invading the sanctities of private life. He would suggest to the Secretary of State for the Home Department that requiring the printer's name to appear on every publication would be all that was really necessary; and that, by abolishing everything else, we should get rid of the machinery which clogged the liberty of the press without producing any practical utility.

MR. MILNER GIBSON remarked that there was nothing novel in the proposition before the House; for, in 1855, the right hon. Member for the University of Oxford proposed a Bill to abolish both the security and the registration required of newspapers. It was considered maturely by the Government in 1855, and they were prepared to legislate pretty much in the manner now proposed by the hon. Member for the Tower Hamlets. The right hon. Gentleman the Secretary of State would, therefore, find in his department, ready to his hand, all the information that might be required for a consideration of the question. He (Mr. Milner Gibson) submitted that the principle which should be acted upon was this, that no rule should be applied to newspapers that was not applied to all other publications. If it were considered necessary that the printer's name should appear on newspapers, let it also appear on all printed papers whatever. They ought not to have a distinct legislation for newspapers, for here had been the stumbling-block, and no court of law had yet been able to decide clearly what is a newspaper.

MR. AYRTON said, that after the suggestion made by the Secretary for the Home Department he should not ask the House to proceed further with the Bill this Session.

THE SOLICITOR GENERAL observed that all parties were agreed that the statutes which required security to be given ought to be repealed, and that those which required the printer's name to be attached should be retained. The only point for consideration was, whether the law which required newspapers to be registered at Somerset House ought to be repealed or not. He admitted that there were no means of enforcing that law; but, on the other hand, it was possible to provide some better means of registration. He thought the better course for him to take would be to move that the right hon. Gentleman should leave the Chair, which would terminate the Bill for the present Session.

House resumed. [No Report].

ROYAL WESTERN YACHT CLUB OF IRELAND.

PAPERS MOVED FOR.

MR. COGAN said he wished to call the attention of the House to a letter from the Lords of the Admiralty to the Royal Western Yacht Club of Ireland, dated the 26th day of June, 1858, withdrawing the privilege of wearing the white ensign from that club, although granted them by Royal Warrant, dated the 6th day of February, 1832, and confirmed by letters of the Admiralty of the 30th day of July, 1849, and the 29th day of April, 1853, and ratified by Vote of the House of Commons, of the 29th day of July, 1853, and to move for—

> "Copies of all Correspondence relating to the Warrant granted to the Royal Western Yacht Club of Ireland, especially those in the years 1832, 1842, 1849, 1853, and 1858, and particularly the Admiralty Warrant to the Royal Western Yacht Club of Ireland, of the 6th day of February, 1832, and Letters of the 31st day of July, 1849, the 29th day of April, and the 2nd day of May, 1853; also Letter addressed by the late Maurice O'Connell, Esq., M.P., to the Lords of the Admiralty, and Sir James Graham's reply, dated the 23rd day of May, 1853. Of any Letters or Minutes of any applications made by the Royal St. George's, the Holyhead, or any other Yacht Club, for permission to wear the White Ensign, with the Answers thereto. Of any Memorials or

Letters from the Royal Yacht Squadron to the Lords of the Admiralty relative to their claim for the exclusive use of the White Ensign, with the Answers thereto, since the granting of the Warrant to that Club. Of Memorial presented by the Royal Western Yacht Club of Ireland through His Excellency the Lord Lieutenant to the Lords of the Admiralty, with the Reply thereto. And of General Warrants granted to all Royal Yacht Clubs, with the dates on which separate Warrants were issued to the Yacht Owners of the several Clubs, authorizing them to carry the respective Club Ensigns."

This privilege involved the very existence of the Royal Western Yacht Club of Ireland. That club consisted of nearly 400 members, and possessed about 130 yachts. In 1832 it was authorized by Royal Warrant to wear the white ensign, but by a letter from the Admiralty, dated the 26th of June, 1858, that privilege was withdrawn, on the ground that the white ensign was restricted to the Royal Yacht Squadron. He must deny, however, on the authority of the right hon. Gentleman the Member for Carlisle, that the Royal Yacht Squadron ever had the exclusive right of using the white ensign, and what he wanted to know was, why the Admiralty had revoked the Warrant of 1832. He thought that after all that had taken place it was a harsh proceeding to withdraw the white ensign from the Royal Western Yacht Club of Ireland. It might appear ridiculous to make so much fuss about the matter, but it should be borne in mind that this was a point of honour with yatchsmen. He trusted that the Admiralty would, on reconsideration, revoke the decision at which they had arrived. He concluded by making the Motion of which he had given notice.

Lord BURGHLEY said, he also trusted that the decision would be reconsidered. The club consisted of 200 gentlemen, and they felt it was a harsh proceeding on the part of the Admiralty to withdraw the privilege of using the white flag from their squadron.

Mr. LYGON said, that the Admiralty had no objection to the production of the correspondence moved for, and though he could hardly say that they were prepared to reverse the decision arrived at, they would be anxious to meet the views of the hon. Gentleman as far as they could consistently with their duty.

Sir JAMES GRAHAM said, that when at the Admiralty in 1832 he advised that the white flag should be extended to the Royal Western Yacht Club of Ireland, and he was sorry that the decision then come to had been revoked without any allegation of improper conduct on the part of the club being borne out. If the Admiralty reconsidered the matter he hoped that the flag would be given back as the two countries should be treated alike. There should be equality of Royal favour as well as in other matters.

Colonel FRENCH said, that no reason had been assigned for revoking the permission granted to the Royal Western Yacht Club of Ireland, and he trusted that the white ensign would be restored to them.

Lord LOVAINE explained that all English clubs were not entitled to the use of the white flag.

Motion *agreed to*. Copies *ordered*.

FISCAL AFFAIRS (IRELAND.)

Sir DENHAM NORREYS, who had given notice of a Motion for a "Select Committee to consider to what extent the principle of 'representation of the ratepayers' could be safely adopted in the management of the fiscal affairs of counties in Ireland; and also whether 'poor law unions' might not beneficially be substituted for 'baronies' as fiscal districts," said that the county accounts of Ireland extended to the expenditure of £1,045,000 a year, and the whole was expended under the superintendence of a body in each county of about twenty-three gentlemen, who were selected by the sheriff. Nothing could be more absurd than the present system of expending the public money in Ireland; and, should he be returned to the new Parliament, this would be one of his first Motions. He would withdraw the Motion of which he had given notice.

House adjourned at a quarter after Seven o'clock.

HOUSE OF LORDS,

Friday, April 8, 1859.

Minutes.]—Public Bills.—1ª Tramways (Ireland).

2ª Affidavits by Commission, &c.; Indemnity; St. James' Baldersby Marriages Validity.

Royal Assent.—East India Loan; Oaths Act Amenment; Patents for Inventions (Munitions of War); Common Rights, &c., (War Department).

PRIVATE BILLS.

RESUMPTION IN NEXT PARLIAMENT.

On the Motion of Lord Redesdale it was *Resolved*—

"That the Promoters of every Private Bill which has been introduced into this House in the present Session of Parliament, and which shall have been read a Third Time and sent to the House of Commons, or which shall be pending in this House, shall have Leave to introduce the same in the next Session of Parliament, provided that Notice of their Intention to do so be lodged in the Private Bill Office not later than Three o'Clock on the Day prior to the Close of the present Session; and that all Fees due thereon, up to that Period, be paid.

"That an Alphabetical List of all such Bills, with a Statement of the stages at which they shall have arrived, shall be prepared in the Private Bill Office, and printed.

"That such Bills must be deposited in the Parliament Office not later than Three clear Days after the next Meeting of Parliament, with a Declaration, signed by the Agent, annexed thereto, stating that the Bill is the same in every respect as the Bill at the last Stage of the Proceedings thereon in this House in the present Session.

"That the Proceedings on such Bills shall be *pro formâ* only in regard to every Stage through which the same shall have passed in the present Session; and that no new Fees be charged in regard to such Stages.

"That as regards Private Bills which shall have been brought from the House of Commons in the present Session such Bills shall be allowed to proceed to the same Stage at which they shall have arrived in the present Session, on the same Conditions as those set forth in the preceding Orders in respect of Bills originating in this House; the Declaration to be signed by the Agent, stating that the Bill is in every respect the same as when brought to this House in this Session.

"That if any such Bill shall have been amended in this House in the present Session the same Amendments shall be inserted by the Committee on the Bill.

"That the Standing Orders by which the Proceedings on Bills are regulated shall not apply to any Private Bill which shall have originated in this House or been brought up from the House of Commons in the present Session, in regard to any of the Stages through which the same shall have passed.

"That all Petitions presented this Session relating to any Private Bill shall, if necessary, be referred to the Committee on the Bill in the next Session.

"That no Petitioners shall be heard before the Committee on any Bill unless their Petition shall have been presented within the Time limited in the present Session, unless that Time shall not have expired before it closes, in which Case, in order to be heard, their Petition must be presented not later than the Second Day on which the House shall sit after the Bill has been read a Second Time in the next Session."

THE STATE OF EUROPE.

The Marquess of CLANRICARDE said, that looking to the accounts which had for some time past been published in this country through the ordinary channels of information respecting the threatening aspect of affairs abroad, he would suggest to the noble Earl opposite that it was desirable, before Parliament was prorogued, that some statement should be made as to the position of our foreign relations.

The Earl of MALMESBURY: My Lords, unless there should be some unforeseen objection to my doing so, I shall be ready, before Parliament is prorogued, to make a statement to this House which I hope will satisfy your Lordships that Her Majesty's Government have done all they possibly can to preserve the peace of Europe.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

THIRD READING. GRAND JURIES.

Order of the Day for the Third Reading read.

Moved—That the Bill be now read 3^a.

Lord LYNDHURST: My Lords, I object to this measure, both in principle and detail, and I wish to state to your Lordships the reasons and grounds of my objection. In the first place, I would suggest to your Lordships that when any measure is brought forward changing the fundamental laws of the country, and particularly the important laws which relate to trial by jury, you ought not to consider only the present state of things, but to look forward to the future—to take into account complications which may hereafter arise, and to proceed with the greatest circumspection and caution. At present we are not at all aware what arbitrary government means; we now pursue the directly opposite system. Prosecutions for political offences are never heard of among us; the administration of justice is mild in the extreme; and we have no grounds of complaint whatever on any of the points I have referred to; we may be perfectly satisfied with our present position. But, unfortunately, I have lived in times of a very different character. I have seen the time when the Government was carried on, in comparison with the present state of things, upon arbitrary and even tyrannical principles—when political prosecutions were of constant occurrence, and were conducted with extreme harshness, and when punishments of great severity were inflicted for political offences. I have been myself, to a certain extent, not merely a witness of, but an actor in, those times. I will not enter into the circumstances which have occasioned the change that has since occurred. Perhaps the growing prosperity of the country and the contentment which it has produced may have contributed to bring about that result. But, my Lords, we must not so far delude ourselves as to suppose that such a state of things can never again arise. Violent political feelings may again be excited, and who can venture to say that a similar state of things may not again occur? At all events, let us not, acting under such a delusion, take any steps towards destroying the barriers and fences the constitution has given against the exercise of arbitrary power. That would be the extreme of folly. Now, what is the language of the constitution, and what is the system under which we have lived? The constitution provides that no man shall be put on his trial for any grave offence except on the presentment of a grand jury, or found guilty except on the subsequent verdict of the petty jury. The decision of the grand jury must be that of twenty-four persons, declaring on their oath that they believe the party charged is guilty of the offence of which he is accused. That has hitherto been the law of the country, and it is the law at this moment. It has stood the test of the very worst times. In the most arbitrary periods of our history that law has never been infringed or broken in upon. Attempts have been made at different times to invade it by intimidation and corruption; but the law itself has stood as a barrier, firm as a rock, amidst all the storms of the very worst epochs, and has come down to us unchanged. And I must regret, my Lords, as a Member of the Conservative party, that the first attempt to change this law is made under the Conservative Government; above all, I regret that a measure of this kind is brought forward on the Motion of my noble and learned Friend on the woolsack, a Conservative Lord Chancellor, for whom I entertain such distinguished respect and esteem. I have stated whst is the law, and has continued to be the law throughout the whole period of our constitutional history. But let me remind your Lordships of the opinion of that great authority, Blackstone, on this subject;—and it is not only his own opinion, but that of all the writers on constitutional law that preceded him. He says, "the founders of the English law have, with excellent forecast, contrived that no man should be called on to answer to the King for any capital crime, unless upon the preparatory accusation of twelve or more of his fellow-subjects of the grand jury, and the truth of such accusation must afterwards be confirmed by the unanimous suffrage of twelve of his equals superior to all suspicion." Blackstone adds, that this law ought to remain "sacred and inviolate." But how sacred and inviolate? Not only from those attacks which none have ventured to make, but from all measures calculated to sap and undermine it, and to introduce arbitrary rules of trial by justices of the peace. He goes on to state that, however convenient a change might appear—as doubtless all arbitrary powers, well executed, are the most convenient —yet it should be resisted, as the little inconveniences in the forms of justice are the price a free nation must pay for its liberties in more substantial matters. Such is the language of that great Judge in stating, not his own opinion alone, but that of all the great authorities which had preceded him. Now, let me recall to your Lordships' recollection that there are exceptions to this rule, and when you come to consider those exceptions, you will find that they confirm the rule, and confirm it in the most marked and decided manner. One of those exceptions is the power which the Attorney General has to dispense with a grand jury in a case of criminal information *ex officio.* The Attorney General is a high officer. He is, or is supposed to be, a man of great learning. He fills a most responsible situation. His conduct is viewed, both by the public and by Parliament, in this exercise of the prerogative, with the greatest jealousy, and he exercises it, when he uses it at all, with the greatest caution. I recollect, as an illustration of this, that many years ago, when I was a Member of the House of Commons, a very distinguished individual, who then held the office of Attorney General for Ireland, a gentleman of great talents and of extraordinary eloquence, was supposed to have transgressed in this respect by having filed a greater number of criminal informations *ex officio* than was usual for a person in his situation. My Lords, this gave occasion to a very long and animated discussion in that House; and though the result was that the House was of opinion that he had not transgressed the usual rule of his duty, yet what was said in that controversy by parties on both sides of the House showed the jealousy that they entertained of the exercise of this extraordinary power. There is another exception to which I will refer, and which is the only other exception—namely, that the Court of Queen's Bench, and the Court of Queen's Bench alone, has the power of granting criminal informations upon an application made to it for that purpose by private individuals. But, my Lords, that power, as my noble and learned Friend the Chief Justice well knows, applies only to exceptional cases supported by the clearest evidence. [Lord CAMPBELL: Cases of misdemeanour only.] And when the application of the party applying for such an information is refused, what is the language of the Court? "We dismiss you to the constitutional tribunal of a grand jury." These are the only two cases of exception to the general rule. What, then, is the object of my noble and learned Friend in the present Bill? Mark, my Lords. The Attorney General in the exercise of his high functions and the Court of Queen's Bench have the power of dispensing in certain cases with the grand jury. And what are you doing by this Bill? You are giving that power to every police magistrate within the metropolitan district; and not only the power which is given to the high officers that I have mentioned, but a far greater power, for, as my noble and learned Friend the Chief Justice has just stated, that power of the Court of Queen's Bench and of the Attorney General is confined to misdemeanours, whereas you are giving by this Bill power to dispense with grand juries, not only in cases of misdemeanour, but also in every case of felony. My Lords, these gentlemen to whom you are giving this power are paid officers of the Government; they have been appointed by the Government, they are removable at the pleasure of the Government. Are you willing, then, to make this extraordinary change in our laws? Is there any occasion, any case of necessity, to justify such a change? I think I can show your Lordships that no such necessity exists. But let me not be mistaken. My noble and learned Friend on the woolsack paid a just eulogium to the character and abilities of the gentlemen who now hold the office of metropolitan police magistrates. I entirely concur with my noble and learned Friend in acknowledging their integrity, their legal capacity, and their independence; but, my Lords, we are not legislating alone for the present moment, we are not to confine our view to the present hour. We are legislating for the future. Suppose the just possible case of arbitrary Government being established in this country—what is the first step taken by an arbitrary Government? To appoint men who shall be subservient to their will, flexible and supple, ready on all occasions to do the will of their superiors. I beg your Lordships to consider what the consequences will be, under such circumstances, if this Bill of my noble and learned Friend should pass into a law. I confess that I was surprised at the argument, or rather the statement, of a noble Earl (the Earl of Shaftesbury) on the second reading of this Bill, which was the only thing that he had to urge in favour of the Bill. And what was that argument, or, rather that fact? That he had been two days in the City of London in a room without a seat in order to prefer a Bill which afterwards was passed after a very short inquiry. I confess I was surprised, because I recollect that that noble Earl owes his title, his dignity, and his station in this House and in this country to the verdict of a Middlesex grand jury. We all know very well—everybody must recollect—the part which Lord Shaftesbury took in the Exclusion Bill. After the last Parliament of the reign of Charles II. was dissolved, the Court determined to inflict vengeance on the noble Lord for the part he had taken. A Bill was exhibited against him for high treason. That charge was supported by the same infamous witnesses to whose testimony Lord Stafford fell a victim. The jury, fortunately for the noble Lord, threw out the Bill. If that Bill had not been thrown out, the noble Lord would have suffered the same fate as the unfortunate nobleman to whom I have referred. But no doubt I shall be reminded that there are exceptions in this Bill—that charges of high treason are excepted. There are these and other exceptions, but they do not provide for one-twentieth part of the cases which may be made use of by an arbitrary Government for inflicting vengeance upon its political opponents. Cases under the Riot Act, cases of libel, cases of imputation on a Minister, charges against his character and integrity, and a variety of other cases that will occur to the mind of my noble and learned Friend, are not excepted in the clauses to which I have referred; and I say that enough there remains to give ample scope to an arbitrary Government to inflict vengeance upon its political opponents. These are some of the grounds why I object to this Bill. It is harmless at the present moment; but will it always be harmless? We must look to the future.

It is our duty to provide against all contingencies, and not to suppose that the present harmony and the present smoothness of the Government will always continue. Statesmen should look forward to contingencies of various kinds to guard against them. Our ancestors guarded against them in the provisions to which I have referred. But, again, my Lords, how will this Bill of my noble and learned Friend be received by the other House of Parliament? We provide for ourselves. We protect ourselves by a grand jury; but the Commons of England, at least in the metropolitan district, are not protected. That protection is taken away by this Bill, but the protection of your Lordships' House remains entire. Is this legislation that ought to commence in the House of Lords? Ought we to say to the Commons of England, of every rank and station, "You shall not be protected by a grand jury, but we will take care to protect ourselves," for every man knows that no Peer can be tried at the bar of the House of Lords without in the first instance a grand jury having presented a Bill against him. There is no exception in the Bill of my noble and learned Friend in favour of the Commons of England. I ask you, therefore, what kind of reception is this Bill likely to meet from the Members of the other House when it goes down there? Will not the Members of that House say, "Shall a Bill be brought in by the Peers of this realm in which they take care to shelter themselves, but at the same time leave the Commons of England exposed to its operation?" Again, there is no equality in this Bill; for, according to its provisions, if a complaint is made before a magistrate, and that complaint is dismissed, the prosecutor has a right to go before the grand jury and a Bill may there be found against the accused. The prosecutor, therefore, has an appeal against the decision of the magistrate. But how stands it with the party accused? The accused has no appeal, for if the decision of the magistrate be against him the case immediately goes before the common jury—he has not like the prosecutor the right of appealing to the grand jury against the decision of the magistrate. Is there any fairness in that? If there is any favour to be shown, the general maxim of the law is to show it to the accused; but here the favour is shown to the prosecutor. These are some of the details of the Bill to which I most strongly object. But let me remind you of another circumstance. I do not consider that the advantage and use of the grand jury are confined to presenting indictments and returning true bills. They have other uses, not less important. The attendance of the grand jury on the Court adds to its weight, its dignity, its importance, its impression on the public mind. Again, no man can place greater reliance than I do on the integrity of the Judges; but give me leave to say that there is no mode of keeping men within the line of their duty more certainly than by securing that their functions should be performed under the inspection of a body of men of their own station—men of learning and of observation. Again, allow me to remind your Lordships how important it is that the gentlemen of the country should, as grand jurymen, attend from time to time the administration of justice, for they thus become acquainted with the law, with the mode of its administration, and with the principles on which it is founded. We were told, I remember, on a previous stage of the Bill, by my noble and learned Friend on the woolsack, that the grand jury were desirous of being relieved from the performance of these duties. I regretted to hear it; I think it a bad symptom. I believe there are many situations in which persons occupying them desire to be relieved from their duties. But I believe that there is no better security for the liberties of the country than that the business of the country should be, to a great extent, performed by the citizens of the country; and I believe that the part which has been taken by the gentlemen of this country in the administration of public affairs, and especially in the administration of justice, has secured to the people, and still secures to them, all the advantages of the liberty which they enjoy. An illustration of the consequences of a different system may be drawn from the French Revolution. For some time before that event it had been the habit to withdraw from the people and the gentry of the country all administrative duties and all judicial functions, so that they gradually lost all knowledge of public affairs, and ceased to be respected by their inferiors. When the Revolution broke out, therefore, there was no rallying point as it were, no body of men on whom the great mass of the people could fall back for their defence, and the consequence was, that when Government was overthrown all the institutions of the country fell prostrate before the mob. I believe that all the inconveniences which have been urged against the grand jury system may be referred to one consideration—namely, that the numbers of the people have outgrown the machinery. To remedy that, instead of adapting your machinery to your principle, you, by this Bill, sacrifice your principle, and leave your imperfect machinery to stand. It is said that persons who have Bills to prefer before the grand jury are sometimes kept waiting two or three days. The petty inconveniences which have been referred to obviously arise from want of arrangement; and are you, then, instead of improving your arrangements, to abandon the principles of jury law and constitution. Then it is said that great numbers of people of different conditions—some of them of the very lowest class—are by this means brought together for weeks, and that this leads to the spread of vice and immorality. This may be so, but that is no reason for abandoning your principle but rather for adopting it. The question of expense has also been mentioned, but I am glad my noble and learned Friend was ashamed to press that point very strongly. Why not adapt your machinery to the existing state of things? It was said by the supporters of the Bill that practically the grand jury were of no use. How of no use? Almost in the same breath we were informed that a great number of bills which had passed the police magistrates were thrown out by the grand jury. If that be so, how can it be said that they are of no use? Again, we are told that the grand jury are very frequently composed of ignorant men—whose fault is that? That is the fault of the sheriff; and if he misconduct himself by not summoning proper persons to fill the office of grand jurors, he ought to be advised to review his conduct, and to amend it in that respect. Men of station, of character, and of position, ought to be summoned on the grand jury, and if ignorant men are placed there it is the fault of the sheriff or the summoning officer. Then, again, particular cases of hardship, or of ignorance, have been alleged. It is an observation of Westminster-hall that cases of hardship are the foundation of bad laws; and if instances of blunder, ignorance, or misconduct are reasons for altering your laws, there is no part of your law that would remain upon the Statute-book. But this is not the way to deal with exceptional cases; if hardships occur from ignorance, that is no reason for altering your system. I must remind your Lordships that when this Bill came on the other night my noble and learned Friend said that it would be confined to the home district, and that it would not extend further. I beg leave to caution my noble and learned Friend and your Lordships that if you once establish the principle as applicable to the home district it will not stop there, for most of the arguments in support of this measure apply as strongly to the counties as to the home district. If the petitions of the grand juries of the home district suffice to procure for them a discontinuance of their attendance, you may depend upon it the grand juries in all the counties in England will speedily send up their petitions to the same effect. My noble and learned Friend on the woolsack objects to these grand juries because the inquiry before them is secret; but surely that argument, if it is good for anything, is good for the abolition of grand juries, not merely in the metropolitan districts, but all over the country. The system is a great barrier of defence for the accused against false and unfounded accusations. Unless the grand jury is satisfied that the case made out is one on which, if not answered, a verdict of guilty would be returned by the common jury, they ignore the bill; and if they return a true bill they do so under the sanction of an oath. It is my apology for having detained your Lordships at such length that I look upon the preservation of this system as a matter of great importance, and I do not like to see this first step taken to break down an institution which has existed for 500 years, in the worst times, and under the most arbitrary Governments, and is now for the first time sought to be invaded.

Lord WENSLEYDALE said, he had objected to the Bill at a former stage upon constitutional grounds, and he retained his objection still. There was no precedent for the introduction of such a Bill, which he regarded as a first step to the abolition of grand juries throughout the country. He trusted, then, that their Lordships would not agree to the third reading; but if they did that they would make material alterations in the provisions of the Bill before they allowed it to pass.

Lord CAMPBELL said, that he also had opposed the Bill, and he trusted that the Lord Chancellor, after what he had heard fall from his noble and learned Friend (Lord Lyndhurst), would not press it further during the present Session. The fact was that their Lordships were asked to pass the Bill at a moment when there would not be time for its discussion in the other House of Parliament. The Bill was one which required very grave consideration, and he thought that it would not be respectful to the House of Commons to send it down to them under present circumstances.

THE LORD CHANCELLOR said, he was not insensible to the disadvantage under which he laboured in being opposed by his noble and learned Friend (Lord Lyndhurst), for whose opinions he had been for many years accustomed to entertain the greatest deference, and who deservedly possessed great authority in their Lordships' House. But he thought he had a right to complain of the course which his noble and learned Friends and also the Lord Chief Justice had taken with regard to this Bill. He explained its provisions very fully when he introduced it, and laid before them the grounds on which he thought such a measure desirable, and he received the general concurrence of their Lordships. On the second reading his noble and learned Friend (Lord Lyndhurst) was present, and never intimated the slightest objection to it. The Lord Chief Justice certainly made a few remarks against it, which met with no support and encouragement, and no division was taken at that stage. When the Order of the Day was read for going into Committee, his noble and learned Friend (Lord Lyndhurst) put a question as to a particular clause in the Bill, and, in reply, he (the Lord Chancellor) said that he intended to propose an addition to that clause. His noble and learned Friend then stated that that would remove many of his objections. [Lord LYNDHURST: Lessen the objections.] Perhaps "lessen the objections" was the phrase. He was, however, induced to believe that his noble and learned Friend would not offer any active opposition to the Bill. When he (the Lord Chancellor) moved the third reading, his noble and learned Friend suggested that such a Bill ought not to be read a third time in the absence of the Lord Chief Justice; upon which, in order to meet the objection of his noble and learned Friend, he consented to postpone the third reading to a distant day. He had since received a communication from his noble and learned Friend relative to the Bill, but he had no reason to believe that he was generally hostile to it; and although his noble and learned Friend certainly made objections to it, yet he did not know until to-night that there was to be an opposition to the Bill. He thought he had also some reason to complain that the postponement which he had agreed to at the request of his noble and learned Friends now enabled them to urge him to withdraw the Bill, on the ground that it would be impossible to pass it during the present Session. He was sure they did not mean to accomplish this result; but it had been the effect of his having acceded to the request of his noble and learned Friends. He did not yield to them in veneration and regard for our ancient institutions, but he was not so blindly enamoured of them as not to see their defects; nor was he so wedded to antiquity as, when ancient things had declined from their original use, to hesitate to place a reforming hand upon them merely from prejudice for a venerated name. His noble and learned Friend said he regretted that a Bill of this kind had been introduced by a Conservative Government. His noble and learned Friend's historical recollection was rather short, for it was not the first time it had been introduced. In 1849 a similar Bill was introduced in the House of Commons by a Liberal Government. In 1852 it was introduced by a Conservative Government. In 1857 a similar measure was introduced by him with the sanction of a Liberal Government. When, therefore, his noble and learned Friend said their Lordships were legislating without considering the reception which this Bill would meet with in the House of Commons, he must tell him that a similar Bill had passed an important stage in the House of Commons no less than three times, and that he believed a majority of that House would be favourable to the present measure. His noble and learned Friend took his stand upon the objection that the Bill would take away a great protection from the liberty of the subject, and he argued that grand juries ought to be continued for the purpose of protecting persons charged with political offences. Now, one would have thought that there was nothing whatever in the measure excluding persons charged with political offences from its operation; yet he had carefully guarded the liberty of the subject in this respect by providing that for persons charged with political offences there should still be the intervention of a grand jury. [Lord LYNDHURST: My noble and learned Friend is under a mistake.] Well, if their Lordships had gone into Committee on the Bill, and his noble and learned Friend had had the kindness to point out that the words of the clause did not go sufficiently far, and that words ought to be introduced for the more effectual protection of the liberty of the subject, he should have acquiesced immediately, and should have felt much indebted to his noble and learned Friend for his suggestion. With regard to the question of expense and inconvenience, he had expressly told their Lordships that the removal of great expense and inconvenience was a very minor part of the advantages of the measure. He had introduced the measure on the ground that within the Metropolitan Police district, where magistrates who had been trained to the law, and who sat in a public court, had the accused before them and gave him an opportunity of examining witnesses, after an investigation especially directed to discover whether there were grounds for sending a person for trial, it was not necessary to interpose a secret tribunal with imperfect means of inquiry, which decided without having the accused before it, and whose interference was likely to be actually mischievous to the administration of justice. He would not detain their Lordships by recent instances of the truth of this position, yet there had been cases which strikingly proved that grand juries in the metropolis were not only of no use, but were actually mischievous. He entertained the same fear with his noble and learned Friend that persons might wish to extend this measure to grand juries in the country, which he should deprecate, believing it to be extremely important that the services of country gentlemen should be retained in the administration of justice; and he thought there were reasons which rendered the measure expedient for the metropolitan districts which were wholly inapplicable to the country. It appeared that, although his noble and learned Friend agreed in the principle of the Bill so far as the metropolitan police districts and the magistrates within those districts were concerned, yet he objected to the Lord Mayor or an Alderman sitting in a public court in the City, and sending cases for trial without the intervention of a grand jury; his noble and learned Friend doubting whether absolute wisdom was to be found in Lord Mayors and Aldermen. He was afraid that if his noble and learned Friend extended his views beyond the City he would not find absolute wisdom anywhere. It was, he knew, the fashion to censure the magistrates within the City; yet he would appeal to those of their Lordships who had seen the magistrates of the City discharging their duties, and he would challenge his noble and learned Friend to produce an instance in which there had been any failure on the part of the City magistrates to do their duty in quite as exemplary and satisfactory a manner as the magistrates of the police courts. And if he should introduce this Bill again to their Lordships, he would not allow a stigma to be cast upon the magistrates of the City of London, by making them an exception to a measure that was considered beneficial for the other districts of the metropolis. Unless, therefore, his noble and learned Friend, could bring forward something more substantial than a sneer against the magisterial administration of the City he should not forego including them in the provisions of the Bill. There were, however, some outlying districts of the counties of Surrey, Kent, and Essex, to which the jurisdiction of the metropolitan police courts did not extend, for which some special provision might be made. It had been objected that the magistrates for these outlying districts sat privately, and had the power of committing to the Central Criminal Court, and it was urged that they ought not to be allowed to send parties for trial without the intervention of a grand jury. He had on a former occasion stated that he had always felt this to be a great objection to a general measure for the metropolitan districts, and a noble Earl had suggested that he might provide that these magistrates should not be permitted to commit persons for trial without the intervention of a grand jury, unless they were sitting openly in petty sessions in some public room. He told the Lord Chief Justice that he was willing to amend the clause in this sense; but it had suited his noble and learned Friends to argue as if the Bill were to remain without alteration. Under these circumstances he thought he had some reason to complain of having been desired to withdraw his measure without offering a single remark or objection to its withdrawal. Of course, in the present state of the Session it was perfectly hopeless to expect to pass this Bill through the House of Commons. He should therefore now withdraw the Bill, but he trusted he might be able to introduce a similar measure at a very early period of next Session.

Lord OVERSTONE said, he hoped his noble and learned Friend would revive the Bill next Session. He wished, before the Bill was withdrawn, to say that the calm deliberation and patient investigation requisite for the due discharge of judicial duties could not be expected from these grand juries. He had once served upon one of them himself, when they had 400 Bills placed before them, and fresh prisoners came in from the various metropolitan districts more rapidly than the grand jury could dispose of the Bills requiring their attention. A summons to act as a grand juror was dreaded by every merchant and trader, for it often produced an interruption to his business, extending over nine or ten consecutive days. The system operated most oppressively towards an industrious and most important class, without in any way furthering the ends of justice. It was a mistake to suppose that it was a compliment and an honour to be placed upon the grand jury—certainly for himself he could say, that the duty it had imposed on him was one of the severest punishments he had ever sustained. He trusted, therefore, that this measure, proposing so desirable an improvement, would be revived on the reassembling of Parliament.

Earl GREY also hoped that the measure would be re-introduced, for it was one of practical reform, than which few more valuable could be proposed. He was convinced that the present grand jury system was the means of enabling many notorious criminals to escape from the hands of justice. The noble and learned Lord who had commenced the discussion could not have actually heard the grounds on which the noble Lord on the woolsack had objected to the existence of grand juries in the City of London. The noble and learned Lord did not object on account of the great inconvenience and trouble to prosecutors, but because there had been a gross failure of justice from the intervention of a grand jury, and who probably had not the same evidence laid before them that was laid before the committing magistrates. It was not to be supposed that grand juries could pay the same attention to the evidence that had been given by the trained magistrate, who had collected and sifted the evidence before he committed the accused. No doubt the rejection by grand juries of bills in cases where the same evidence as that before the magistrates was brought before them was mischievous; but he believed it was notorious that those who were interested in defeating the criminal law availed themselves of tampering with witnesses, and so led to the ignoring of the bill, and they could not be proceeded against for perjury, because the evidence before a grand jury was given in secret, and the law was thus defeated.

Motion (by leave of the House) *withdrawn.*

The Order for the Third Reading *discharged,* and Bill (by leave of the House) *withdrawn.*

AFFIDAVITS BY COMMISSION BILL, &c.

SECOND READING.

Order of the Day for the Second Reading read.

Lord KINGSDOWN, in moving the second reading of this measure, stated that its object was to place persons residing in London, and within a circuit of ten miles round it, upon the same footing as regarded facilities for the making of affidavits, to be used in any of the Superior Courts, as Her Majesty's subjects in all other parts of the country. The Bill would assimilate the practice of the Common Law Courts to that of the Court of Chancery, and abolish a kind of monopoly in taking affidavits, that at present existed. The Bill also gave the Common Law Courts the power of appointing Commissioners to receive affidavits in the Channel Islands and the Isle of Man, in the same manner as the Court of Chancery.

Lord CAMPBELL thought that the measure deserved the approbation of their Lordships and of the country, and trusted it would receive the support of the House.

Bill read 2^a and *committed* to a Committee of the Whole House on *Monday* next.

PETITIONS OF RIGHT BILL.

ORDER FOR SECOND READING DISCHARGED.

Order of the Day for the Second Reading read.

Lord KINGSDOWN said, that this Bill which had been introduced by the hon. and learned Member for Guildford (Mr. Bovill) had received the unanimous sanction of the other House; but there was some difficulty in reference to details which rendered it inexpedient to attempt to pass the measure this Session. He would communicate with the hon. and learned Gentleman. At present he would move that the Order for the Second Reading be discharged.

The LORD CHANCELLOR agreed with his noble and learned Friend in what he had stated, and intimated that he would communicate with him in order to frame a satisfactory measure.

Lord CAMPBELL said, that having had nine years' experience as Law Officer of the Crown, agreed that the law upon this subject needed reform.

Order for Second Reading *discharged.*

House adjourned at a quarter past
Seven o'clock, to Monday
next Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 8, 1859.

MINUTES.] PUBLIC BILLS.—2° Local Government Supplemental; Confirmation and Probate Act (1858) Amendment.
3° Combination of Workmen.

WESTMINSTER NEW BRIDGE BILL.

LORD JOHN MANNERS said, he wished to move that in the case of the Westminster New Bridge Bill the examiner should have leave to sit and proceed forthwith.

SIR HENRY WILLOUGHBY said, he would take that opportunity of asking what was the position of the building and finance of Westminster Bridge. Figures which he had seen seemed to show that there was some danger of an excess of expenditure over the estimate. The sum which had already been spent was, in round numbers, £138,000, and the estimate of what would be necessary to complete the works, £178,000, making a total of £316,000. He wished to know from the noble Lord whether those sums were correct, and how the deficiency was to be supplied. In 1853 the Bridge Estate was transferred to the Woods and Forests, and he was afraid that if not gone already it would be swallowed up in the erection of this bridge, and he was therefore anxious to learn how the noble Lord proposed to obtain money to finish the works. He also desired to be informed who was the architect, builder, contractor, and surveyor, because he had been told that one person filled all these situations.

LORD JOHN MANNERS said, that as the hon. Baronet had not given him notice of his intention to put these questions, he was not prepared to give him complete and satisfactory replies. Speaking generally, the hon. Baronet would find in the estimate for the Vote taken last year an explanation of the financial condition of the bridge. He had no doubt that in time a further sum would have to be asked for from Parliament for the purpose of finishing the works. The Bridge Estate not having been disposed of, it was impossible to say how much it would produce; but he hoped that it would be a considerable sum. He was at a loss to imagine how the misapprehension that the engineer, contractor, and surveyor were all one person had arisen. The engineer for the bridge was that very eminent engineer, Mr. Page; the contractor was Mr. Cochrane; and the surveyor, appointed three years ago, was Mr. Hunt.

Motion *agreed to.*

THE STATE OF EUROPE.

OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER: I wish, Sir, to make a remark regarding the notice which has been given by the noble Lord the Member for Tiverton, that he would this day make some observations, and address certain inquiries to me respecting the present state of our Foreign Relations. I would earnestly request of the noble Lord that he would forbear to-day from making those observations and urging those inquiries. I can assure him that to do so on the present occasion would be inconvenient—and more than inconvenient to the public interest. What I propose to do is this — that on Monday or Tuesday, or, at all events early in the week, I will give notice of a day upon which I will make a statement with respect to the position in which this country is now placed in regard to Foreign Affairs and the negotiations that are going on. That will give to the noble Lord an opportunity of offering in a more satisfactory manner than he could to day those observations, which I am sure that the House will receive with great attention.

VISCOUNT PALMERSTON: Of course, Sir, it is impossible for me to refuse to comply with the request of the right hon. Gentleman. I can assure him my only object is that the country should know, before Parliament is dissolved, what is the position in which we stand in regard to this matter. I have no doubt that the statement to be made by the right hon. Gentleman will completely answer the inquiries I proposed to make; and if it does not, an opportunity will then be given to myself an other Members to express their opinions.

LORD JOHN RUSSELL: I wish, Sir, to inquire of the right hon. Gentleman whether the question will be brought forward in such a form as will give any hon. Member an opportunity of expressing his opinion upon it.

THE CHANCELLOR OF THE EXCHEQUER: That certainly is my wish. I shall probably give notice on Monday—it might be inconvenient that I should make the statement on Monday, because the notice to the House would not be sufficient. On that day, however, I shall be able to fix the day (certainly in the course of next week) upon which I shall make a Motion, which will give to the whole of the Members of the House an opportunity of expressing their opinions upon the question.

THE WEST INDIAN AND BRAZILIAN MAIL SERVICE.—QUESTION.

Mr. DAVISON said, he would beg to ask the Secretary to the Treasury whether any renewal of the subsisting Mail Contracts to the Royal Mail Steam Packet Company for the West Indian and Brazilian Mail Service has been granted or promised to that Company without advertising for competitive tenders; whether Her Majesty's Government has had under their consideration any complaints of colonists or passengers or other persons respecting the irregularities, inconvenience, or mismanagement of the said services; and whether any investigation as to the convenience or management of the present service is contemplated previously to the renewal of such contracts; and whether it is intended that such renewals shall be opened to competition?

Sir STAFFORD NORTHCOTE said in reply, that before the late Government went out of office application was made to them on the part of the Royal Mail Steampacket Company, to extend for two years the existing contract for the West Indian and Brazilian Mail Service, on the ground that the Company proposed to increase the accommodation afforded with respect to the service to Brazil and the River Plate. The application was granted, as he found from the Treasury Minute, in conformity with the practice always followed in relation to other mail companies. No alteration was made in the terms of the contract, it was only extended from 1862 to 1864. He was not aware that any complaints had reached the Treasury such as those to which the hon. and learned Member referred. Complaints, he was told, had reached the Admiralty, but he was ignorant of their nature.

THE INDIAN LEGISLATIVE COUNCIL. QUESTION.

Mr. VERNON SMITH said, he wished to ask the Secretary of State for India whether he will appoint in the place of Mr. Peacock—who has accepted the office of Chief Justice of Bengal—a Financial Legislative Councillor? By the Act of 1853, the Government had power to appoint a fourth ordinary member of Council, but he was not allowed to be present at the discussion of ordinary public business, his duties being legal. Under that Act several appointments were made, the last being that of Mr. Peacock, who had just accepted the office of Chief Justice of Bengal; but by the Act of 1853 the prohibition as to ordinary public business was repealed, and it was now open to the Government to appoint in room of Mr. Peacock a person who might not be a lawyer. What, therefore, he wanted to know was whether, in the present acknowledged deficiency of financial ability in India, the Government were prepared to appoint to the office vacated by Mr. Peacock, a gentleman well acquainted with finance, and capable of giving sound advice upon that subject, or, if not, whether with a view to economy they were willing to abolish the office altogether? He would also take that opportunity of asking whether the noble Lord was prepared to lay upon the table of the House that evening the form of the Vote of Thanks to Lord Canning and the Indian army?

Lord STANLEY said, he thought there could be no doubt that the Act of 1853 permitted the appointment of a gentleman versed in financial matters, as well as of a lawyer, to the post of fourth ordinary member of Council, and he agreed with the right hon. Gentleman that in the present state of things in India it was far more important to have there a person competent to act in the former capacity than one whose assistance would be confined to the latter. It was, therefore, intended by the Government that a gentleman conversant with financial affairs should be sent out, provided they could satisfy themselves as to the competency of the individual, and provided also they could find any person properly qualified who was willing to go. That, he would say, was a matter of some difficulty, for probably any one who was fit at the present time to fill the office of Financial Councillor in India would be equally competent to hold the highest financial post in England. With regard to the second question of the right hon. Gentleman he proposed to move the Vote of Thanks to Lord Canning and the army in India, of which he had already given notice, on Thursday instead of Monday, the reason being that more time was required to consider the claims of the many distinguished men who had rendered good service in India. He should be prepared to announce the terms of the Vote on Tuesday.

CONSOLIDATION OF THE STATUTE LAW.

QUESTION.

MR. SPOONER said, he wished to ask Mr. Attorney General whether it is his intention to bring before the House that evening his Motion relating to the Consolidation of the Criminal Laws?

THE ATTORNEY GENERAL said, that in consequence of the absence of his right hon. and learned Friend the Attorney General for Ireland upon public business it would not be convenient for him to bring forward that evening the Motion of which he had given notice, for leave to introduce certain Bills to consolidate and amend the statutes relating to the Criminal Law of England and Ireland. It was his intention, however, on Thursday next to call attention to the whole subject of the consolidation of the Statute Law, and to ask permission to bring in, *pro formâ* of course, the measures of which he had given notice.

THE PHŒNIX SOCIETY TRIALS.

QUESTION.

On the motion for the adjournment of the House till Monday.

VISCOUNT CASTLEROSSE said, that he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer, in the absence of the noble Lord the Secretary for Ireland. Great excitement had been created in the county he represented in consequence of the conduct pursued by the officers of the Crown on the trial of Daniel Sullivan, who was charged with being a member of a secret and illegal society called the Phœnix, which resulted in the transportation of that person to ten years' penal servitude. He need not say that no man could be more anxious for the suppression of that society than he was, but the conduct of those who acted for the Crown deprived the verdict which had been obtained of all moral weight, because not a single Roman Catholic had been allowed to act on that jury. Eleven persons of the Roman Catholic religion had been called, and answered to their names, but they were set aside by the Crown. One of these was a magistrate, many of them were men of considerable property, and all of them were men of unimpeachable character. Yet apparently for no other reason than that they were Roman Catholics they were set aside. He regretted that he felt compelled to bring this subject before the House, but the Roman Catholics of the loyal county he had the honour to represent, and the Roman Catholics of Ireland felt that an insult had been offered to them in being considered unfit to act upon political juries. He wished to know whether the attention of the right hon. Gentleman had been called to the fact that at the late trial at Tralee of Daniel O'Sullivan, convicted of being a member of the Phœnix Society, the eleven Roman Catholic jurors (including a gentleman lately appointed a magistrate of the county) who were called and answered to their names were directed to "stand by" the Crown; and if so, whether such a course was adopted with the approval of the Government.

MR. VANCE said he believed this question had been brought forward for no other purpose than to influence the Irish elections. He believed it was necessary to adopt the course taken by the Attorney General on certain occasions. The Whig Government adopted that course on the trial of Mr. Daniel O'Connell, when they excluded Roman Catholics. He was sure they did so from a sense of duty and to obtain a fair trial and not from a wish to prejudice his chance of an acquittal. If a Conservative Government adopted a similar course he believed it was for the same reason.

THE CHANCELLOR OF THE EXCHEQUER said, that he could assure the noble Lord that no instructions had been given by Her Majesty's Government that on any trial Roman Catholics should be systematically excluded from the jury. He was not prepared to account for the circumstance to which the noble Lord alluded, because it was only that moment that by accident a letter on the subject, not very legibly written, had been placed in his hand. With respect to the question, however, which the noble Lord had placed on the notice paper, he could state most distinctly that no instructions had been given to the Crown officers to exclude Roman Catholics from juries in Ireland, nor would any conduct, prompted by the desire merely of excluding Roman Catholics, ever meet with the approval of the Government. Indeed very recently there had been another trial at Tralee of this kind, and four Catholics were on the jury. There was also very recently a Riband trial at Mullingar, and several Roman Catholics were on the jury; as were also several Roman Catholics on the jury at a recent Riband trial at Belfast. He could only say, as far as the Government were concerned, it was not their wish or intention that there should be either in the matter of state trials or any other subject any difference made by the authorities between the various classes of Her Majesty's subjects in Ireland. With the permission of the House, he would conclude by reading an explanation of the circumstances referred to enclosed in the letter to which he had alluded.

> "The setting aside of jurors is confided to the Crown solicitor; Sir M. Barrington, who is so well known, discharged his duty. His instructions were not to set aside on account of religion or politics, but only on personal grounds, when he was satisfied that the person objected to would not be likely to do justice, as between the Crown and the accused. The prisoner challenged twenty Protestants peremptorily. The Crown set aside sixteen, of whom six were Protestants. Mr. O'Connor, (' the gentleman referred to, he believed by the noble Lord') was set aside because he had been convicted and sentenced to fine and imprisonment for conspiracy, and Sir Matthew thought he would have failed in his duty if he had not set him aside. As to his being made a magistrate, the Chancellor knew nothing of him. He acts on the recommendation of the Lord Lieutenant of the county, who may not have known about the conviction, or may have thought it would not be of such consequence, as Sir M. Barrington was bound to consider it in discharging his duty to the Crown, in a case where the trial had already failed under such peculiar circumstances."

VISCOUNT CASTLEROSSE asked if the right hon. Gentleman could give the name of the writer.

THE CHANCELLOR OF THE EXCHEQUER replied, that the letter was an enclosure in a letter to the Attorney General for Ireland, and he could not state the name.

MR. H. A. HERBERT said, he heard with satisfaction the statement of the right hon. Gentleman that no instructions had been given by the Government to exclude Roman Catholics, as such, from juries on political trials. At the same time he could not but express his regret at the course which had been taken at the trial in question by the officers of the Crown. The gentleman whose name had been particularly referred to was made a magistrate on his recommendation, but the objection made to him did not at any rate apply to the other eight gentlemen, who were struck off for no other reason, as far as he was aware, but because they were Roman Catholics. He was sorry the statement made in the document just read by the right hon. Gentleman with regard to Mr. O'Connor was not more particular, for the matter referred to a transaction which took place thirty years ago, when that gentleman was a very young man, and got involved in an indiscreet scrape with regard to the tithe agitation. For the last twenty years, however, he (Mr. H. A. Herbert) had known this gentleman as a respectable member of society, as holding large agencies, and as excellent and honest a man as any one who held the commission of the peace in the county of Kerry. He did not think that the transaction of such a nature, occurring in the time of his youth and at a period of great political excitement, should be any reason for concluding that he would not discharge with impartiality the duties of a juryman. Men had been in high positions in this country who had been imprisoned for political offences, and he alluded to Sir Francis Burdett and to a noble Lord in the other House, who once graced the benches of the House of Commons, who were both, he believed, committed to the Tower for political offences. As Lord-Lieutenant of the county of Kerry he was prepared to take upon himself the responsibility of recommending this gentleman as a person everyway qualified to discharge the duty of magistrate, and he did not think it wise that the circumstance to which he referred, and which happened thirty years ago, should be brought to bear against him at the present time. He believed that there had never been any person convicted on juster grounds than the person who had recently been tried at Tralee, although the jury was exclusively Protestant. He felt no sympathy with him, but at the same time it was most important that the people of Ireland should be convinced that persons in that country accused of crimes would have a fair trial.

MR. CHICHESTER FORTESCUE said, he merely rose to add one word to what had been said by his right hon. Friend (Mr. H. A. Herbert). He had received an account of the trial at Tralee, and he could assure the House that he had the best possible information for stating that all the Roman Catholics who had been set aside by the officers of the Crown were, with one or two exceptions, gentlemen of substance, of social position, and of the highest respectability, and that they would have made most unexceptionable and intelligent jurors.

Mr. M'MAHON said, he was taken rather by surprise by the statement of the right hon. Gentleman. He knew nothing of what had occurred upon the trials at Belfast or Tralee, but he had received a letter, dated March 31, from Mr. John Rea, the solicitor to the defendants, which contradicted the statement made in the communication referred to by the Chancellor of the Exchequer. Mr. Rea said:—

> "Our Riband case has been on all day, and will occupy to-morrow. I never have witnessed a more flagrant attempt to pack a jury. The prisoners, being indicted for misdemeanour only, had no challenge, and yet the Crown Solicitor set aside, without assigning any cause, every Catholic who answered, with one exception, and that was only because he was mistaken for a Protestant, in consequence of his name (Henry Neeson), and his living not in Belfast, but in the country. A Presbyterian was struck off in error for a Catholic for the same cause, being called James M'Caldin. We are now being tried, therefore, by a jury of the Solicitor General's voters, and two supporters of Lord Hertford from Lisburn, the 'mistake' added. Really it is perfectly frightful. One of the Catholics struck off, Mr. W. Ross, is a millowner worth £50,000, and the others are all most respectable."

He (Mr. M'Mahon) was glad to hear that the Chancellor of the Exchequer disapproved the system pursued in Ireland, and thought it would be well if the Government repressed with a firm and strong hand the bigoted and intemperate proceedings of their subordinates.

Mr. SOTHERON ESTCOURT said, the statement made by the hon. and learned Gentleman differed materially from the information received by the Government from what they believed to be perfectly good authority. The hon. and learned Gentleman was informed that the prisoners had no challenge, whereas the Government were informed that they had objected to twenty jurors. [An hon. Member: That was at Belfast.] Well, he thought there could be no advantage in discussing this matter until they knew something more about the facts. The question had been put in the absence of a right hon. and learned Gentleman (the Attorney General for Ireland) who was able to speak on the subject with authority, and who would, he hoped, be in his place on Monday, when the matter might be discussed in a much more satisfactory manner than at present.

Mr. J. D. FITZGERALD said, that as he would not be able to be present at the discussion if it were renewed on Monday, he wished to say a few words on this important subject. The question really was whether they were to have a pure administration of justice in Ireland, and he thought hon. Gentlemen opposite were disposed to treat it too lightly. He thought the reply which had been given to the noble Lord by the Chancellor of the Exchequer, on the authority of the Attorney General for Ireland, was anything but satisfactory. At the last trial at Tralee every Roman Catholic juror who answered was without exception set aside on the part of the Crown, and the only explanation given was, that one gentleman who had recently been appointed a magistrate had been set aside because some thirty years ago he was engaged in one of the unfortunate occurrences arising out of what was then known as the "tithe warfare." In Ireland the prisoner was allowed a peremptory challenge of twenty jurors without assigning any cause, or as the old writers said, "merely of his dislike;" and it was his privilege and right, if he could, to get a jury that would acquit him; but the Crown ought to be actuated by a very different motive. The interest of the prosecutor was simply to ascertain the truth, and not to secure a conviction, and, although the Crown possessed the unlimited privilege of ordering jurors to stand by without assigning any cause, the power was one which ought to be very carefully exercised. In this case the charge against the Crown Officers was that every Roman Catholic who answered was ordered to stand by, and the misfortune was that, by such proceedings, suspicion had been thrown on the whole of the trials and they had given rise to a belief that justice was not purely administered, and that the object of the present Executive in Ireland was, not to ascertain the truth. He thought that feeling was wrong, but there was no doubt whatever that it prevailed. This subject was of too much importance to be trifled with. No one could more strongly condemn the offence which had been charged, or be more desirous that any secret confederation should be put down by the strong arm of the law, than himself; but it was of the utmost importance that the administration of justice should be beyond suspicion, and he must repeat that the course pursued by these representatives of the Crown in Ireland—whether by the Crown Solicitor, or by any of his *employés*, and whether with or without the authority of the Law Officers of the Crown—had led to great suspicion that the object had been, not to administer justice, not to ascertain the truth, but to procure a conviction. He had heard with pleasure, however, the statement of the right hon. Gentleman, and he felt certain that if the matter had been left in his hands, or in the hands of the Home Secretary, there would have been nothing to complain of. Nevertheless, he could only express his regret that from the moment a most unconstitutional proclamation had been issued the course pursued by the Executive in Ireland had been such as he had represented.

SALE OF COMMISSIONS.—QUESTION.

CAPTAIN VIVIAN said, that as the House would have an opportunity of discussing the subject of these trials on a future occasion, he would, with the permission of the House, put the question of which he had given notice to the right hon. and gallant Gentleman, the Secretary for War;—namely, under what circumstances Mr. Cunningham, who was appointed last year to an ensigncy in the 13th Regiment of Light Infantry, obtained his appointment. Perhaps the House would permit him to state the circumstances, so far as they had appeared. On Thursday week there appeared in the police Reports in *The Times*, an account of the proceedings against two men named Mortimer and Marshall, one of whom was described as a military tailor, who were charged with unlawfully conspiring to procure a Commission in the army. It was sufficient to say that a traffic, or a supposed traffic, in the sale of Commissions had been carried on by a firm known as Armstrong and Co., who had advertised in the newspapers for two years past, that they possessed peculiar facilities for procuring Commissions in the army. The House would at once see that a system under which mercantile firms pretended to have the power of obtaining Commissions in the army, either with or without purchase, must be attended with most pernicious consequences. There were peculiar circumstances connected with the case to which he was referring, which appeared to him to require the attention of the Government. One of the witnesses, named Pugh, examined before the magistrate described his interviews with Mortimer, and said he was informed that it would be necessary to deposit £400, in order to obtain a Commission. If the transaction had stopped there, it would not have been looked upon as extraordinary.

Mr. J. D. FitzGerald

Mr. Cunningham, in September, 1858, was, in fact, appointed to a Commission without purchase. Now, he (Captain Vivian) was not going to criticise the mode in which the patronage of the army was exercised; he thought that it was very fairly administered; but there was a general understanding with regard to Commissions given without purchase, that the recipients should either in their own persons or through their friends have some direct claim upon the country. What, then, were Mr. Cunningham's claims, and how were they brought under the notice of the authorities—because the House should understand, that to give a person a Commission was like giving him so much public money? This Gentleman's claims might have been very satisfactory, and might have been submitted to the authorities by very proper persons; but if that were the case, it was strange that Mr. Bridson, Mr. Cunningham's brother-in-law, should have gone to "Armstrong and Company" and have paid £400 for the purpose of obtaining a Commission. This system had existed for many years, and Commissions had been obtained entirely through the influence of "Armstrong and Company." He lately met a general officer who gave him authority to state, that some years ago, through "Burn and Company," he obtained an unattached company, for which he paid £900, although at that time unattached companies were difficult to procure, and he had never asked for the appointment.

GENERAL PEEL said, he would confine himself strictly to the question put to him, as he thought the House would at once see the inconvenience of entering into statements upon a case which was about to undergo inquiry. The parties had not yet been committed, and it would be detrimental to the public service if he were to enter into explanations upon the subject. He had no objection, however, to state the grounds upon which a Commission without purchase was conferred on Mr. Cunningham. The hon. and gallant Gentleman had truly stated, that before a Commission was thus given, well-founded claims should be made out on the part of the individual seeking it. Now, Mr. Cunningham was the son of Colonel Cunningham, a very distinguished officer in the Bengal service; his grandfather and great-grandfather were also officers in the army, and served during the American war, and the testimonials upon which he received a Commission were signed by Sir S. Steel and Sir R. Vivian.

WELSH JUSTICE.—OBSERVATIONS.

MR. SALISBURY said, he rose to call the attention of the House to remarks said to have been made by Mr. Baron Bramwell at Bala and other Assize Towns in the North Wales Circuit. The case to which he referred was one in which an indictment for embezzling his employers' money was preferred against a man named David Williams. A true Bill was found against him, and the accused on being brought up pleaded "Not Guilty." The case was gone into, and nine witnesses were called against the prisoner, and several others were called to speak to his character, the witnesses being highly respectable persons in the county of Merioneth and other counties in North Wales. He (Mr. Salisbury) admitted that the evidence was very strong against the prisoner, but there were points in it to which, he thought, the Judge ought to have called the attention of the jury as being favourable to the accused. But Baron Bramwell did not do so. The jury, however, retired and returned into Court with a verdict of acquittal. Now, he knew it was a very delicate thing to complain of the conduct of a Judge; but, on the other hand, it was a very delicate thing on the part of a Judge to interfere with the due administration of justice in the country. The case having been tried, the following proceedings were reported to have taken place:—

> "The Clerk of the Court asked: Do you find the prisoner, David Williams, guilty or not guilty?—Foreman: Not guilty. (Great cheering, which was at once suppressed.) The Judge requested the officers of the court to bring any one before him whom they saw joining in the applause, and he would send him to prison. His Lordship then addressed the jury as follows:—Gentlemen,—You have said that you find the prisoner Not Guilty. Do you understand the case? Do you understand that it is your duty to say whether or not this man received his employers' moneys, and applied them to his own purposes? Do you say he is not guilty of so doing?—Foreman: Yes, Sir.—The Judge (emphatically): Then I am thankful it is your verdict, and not mine. Addressing Mr. Matthew, his Lordship said: Are you an Englishman, Sir?—Mr. Matthew: I am, my Lord.—Judge: And your firm is English, I suppose?—Mr. Matthew: Yes, my Lord. Judge: This should be a warning to an Englishmen not to invest their capital in Wales."

[*Laughter.*] This might be a very laughable matter, but before sitting down he thought he could satisfy the Court [*Laughter*]—he appealed to the House as a Court on that occasion—that, however laughable the subject might be here, it was of a very serious nature as regarded the administration of justice in Wales. He did complain of the remarks made by the learned Judge at the close of the trial, but when Mr. Baron Bramwell proceeded to Carnarvon he made the case rather worse. The prisoner Williams, having been acquitted by the jury, was in the eye of the law innocent of the crime imputed to him; yet at Carnarvon, after congratulating the grand jury on the state of the calendar, the learned Judge went on to say:—

> "I believe one bill will be presented to you charging a person with an attempt to suborn perjury. Subornation of perjury . . is an offence the enormity of which is not so much felt here, I may say, as it ought to be. . . I am afraid it is at the bottom of more than one dishonest verdict which I have known to have been given, and for which it is impossible not to feel the deepest regret. . . I have been told that a jury found a grossly corrupt verdict because they wanted to screen a prisoner—a man holding some office in a Dissenting congregation. That is one of the most monstrous things in the world, and yet I am told it is true."

These remarks were made at a time when the prisoner could have no opportunity of replying to the charges made against him. He had received a letter from a highly respectable gentleman residing at Bala, who, in referring to the case, said it might appear unaccountable to many persons not acquainted with the circumstances how the jury could have given such a verdict as that which they returned. It ought, however, he went on to add, to be explained that a system prevailed in the slate quarries where David Williams had been employed, and which he was afraid would be described in no more favourable terms than that of "cooking" the accounts; and it was, therefore, not difficult to understand how a jury would be averse to seeing a poor man hunted to death for an offence, the commission of which they might be disposed to think was the fault not so much of the individual as the system. The Gentleman to whom he alluded further proceeded to say that if anything could warp the minds of the jury it was likely to be the intemperate conduct of the Judge, and that if such men went often into Wales the Welsh people would in all probability soon equal the Irish in their hatred of Englishmen. The learned Judge had left the impression upon the minds of the jury at Carnarvon that the prisoner had been acquitted because he was a Dissenter, and the fair inference from his observation on that point was that the members of the jury by whom he had been tried were Dissenters also. The gentleman from whose letter he had just quoted, however, said that he had been informed upon competent authority that there had been two Scotchmen on the jury, that the foreman was a Scotchman, and that it included only three Dissenters, the remaining members being Churchmen. Now, he could not help thinking that the learned Judge, in making the observations which he had made, had acted very improperly. He had complained of the finding of the jury at Beaumaris, and in every town in North Wales in which he had presided at the assizes; but when he arrived at Chester—perceiving, perhaps, that notice had been given that the attention of the House was about to be called to the subject—he had abstained from making further reference to the trial. It was not to be tolerated that a man who had been acquitted should be thus branded from the bench, and he therefore begged to conclude by asking the right hon. Gentleman the Secretary for the Home Department if he has any explanation to offer to the House on the conduct of the learned Judge.

CIVIL SERVICE.—QUESTION.

Mr. HOPWOOD begged to ask the Secretary to the Treasury for an explanation of the recent dismissal of a gentleman who had been employed for two years and a half in the Emigration Office, and had subsequently passed a satisfactory examination before the Civil Service Commissioners.

THE INDIA OFFICE.—QUESTION.

Sir ERSKINE PERRY said, he rose to ask the Secretary of State for India what steps have been taken for removing the political establishment of the India Office to the neighbourhood of the other Public Offices of Government. Last Session he had been under the impression that a new India Office would be erected on the site immediately adjoining the Foreign Office, but it appeared from the discussion that had recently taken place upon this subject, that no steps had as yet been taken in the matter. It seemed quite clear that as the style of architecture to be adopted had not yet been fixed, three or four years must elapse before any new building was erected. The question was one, however, he would take occasion to observe, which was of considerable importance with the view of facilitating the transaction of the business connected with India, and it was, he believed, quite competent for the noble Lord to make the change to which he adverted. Lord Ellenborough had, he believed, before he left office, expressed himself favourable to such a transfer, and he trusted the noble Lord opposite would find no difficulty in the way of adopting his suggestion, particularly when he bore in mind that a sum of £300,000 or £400,000 might be obtained for the site of the existing premises in Leadenhall Street, and that the expense attendant on the change would thus in a great measure be defrayed. Before he sat down he should wish to say a few words on another subject. He meant the sending out a financial Minister to India, as a member of the Council in that country, which the noble Lord that evening announced to be in the contemplation of the Government. Now, he could not be surprised that the noble Lord should have come to the conclusion to adopt that course, which had received years ago the sanction of the Earl of Ellenborough and other high authorities. There were, however, many Gentlemen conversant with Indian affairs who entertained grave doubts as to the expediency of its adoption. He thought, indeed, it was, in a legal point of view, doubtful whether the noble Lord was justified in acting as he proposed, inasmuch as the spirit of the clause in the Act of Parliament required that one member of the Council should be a member of the legal profession. The noble Lord would find that the legal ground would fail him, and there was also the substantial objection that any change in the financial system of India must originate in this country.

CARRIAGE ROAD INTO ST. JAMES'S PARK FROM CHARING-CROSS.

QUESTION.

Mr. KINNAIRD said, he had given notice of his intention to ask the Chief Commissioner of Works, whether the Government will have made up their minds by the meeting of the new Parliament (seeing that Berkeley House is now pulled down) as to making a carriage road by the side of Berkeley House, from Cockspur Street and Charing Cross, into St. James's Park. The Board of Works had purchased Berkeley House, and were not only favourable to the plan he referred to, but were also willing to give twenty-five feet of ground towards carrying it out. The improvement had been recommended by a Committee of that House; it would be a great public convenience, and would not entail any additional expense upon the country. The house opposite to Berkeley House belonged to the country, and if the present opportunity were missed another would not soon occur. He wished, however, to ask the noble Lord the Chief Commissioner of Works whether he would promise not to take any steps which would prevent any hon. Member in the next Parliament from taking the sense of the House upon the subject.

Lord JOHN MANNERS said, the question which the hon. Gentleman had put was not the same as that which appeared upon the paper. The question which the hon. Gentleman intended to ask was, "Whether the Government will have made up their minds by the meeting of the new Parliament," &c. To that question he (Lord John Manners), not possessing the gift of prophecy, would have found it difficult to give a satisfactory reply. The hon. Gentleman, however, had asked a different question — whether any steps would be taken to prevent the new Parliament from expressing an opinion upon the subject. He could only say that he proposed to take no such steps, and that even if he did it would be out of his power to prevent the new House of Commons from expressing any opinion which its Members might entertain.

THE CONSULAR SERVICE.

QUESTION.

Mr. MONCKTON MILNES said, he desired to ask the Under Secretary of State for Foreign Affairs, respecting the recommendations of the Consular Committee. In drawing up the Report of that Committee he had been greatly assisted by the hon. Gentleman who so ably filled the office of Under Secretary of State, and as even in those of last Session matters upon which they differed, the hon. Gentleman had the better of him (Mr. Monckton Milnes), he had every reason to believe that it was in conformity with the opinions of the Government. Unfortunately, however, all that had since been heard of the subject was rather in opposition to the recommendations of the Committee. He had regretted that the Report should have been made so early, as he did not think all the evidence that it was desirable to have, had been adduced, but the inquiry had been concluded at the request of the hon. Gentleman the Under Secretary upon the ground that the question was so urgent, and the pressure upon the Government was so great, that it was of great importance that the Report should be made at once. He hoped now, after the lapse of eight months, the Government could state that the grievances and defects pointed out in the consular system had been remedied. Never was it more important than at the present time that England should be well represented, even in the least important posts. A tumult in some Italian port might interfere with the mediation between two armed monarchies whose differences had caused such alarm. He wished to ask in what mode and to what extent the Government intend to act upon the recommendations of the Consular Committee of last Session.

Mr. SEYMOUR FITZGERALD said, he regretted that the hon. Gentleman had not exactly pointed out the portions of the Report to which his question particularly referred, but he could state that immediately the Report was made it was taken into consideration at the Foreign Office, and had been the subject of unceasing attention ever since. The principal recommendations were in reference to an increase in the salaries of the Consular service, and the introduction of a system by which fees should be received by Consuls on behalf of the Government, instead of, as heretofore, forming a portion of their own remuneration. In every appointment that had been made since the Report, those recommendations had been uniformly carried out, the salaries in each case had been considered, and a scale of remuneration laid down which was considered to be just towards the Consuls, and more becoming their position than the old system. At the same time, in all those new appointments a stipulation had been made that the fees received by the Consuls should be paid to the Government. It would have been desirable that the system recommended by the Committee should have been more largely acted upon, but the changes he referred to had not been wholly confined to new appointments. There were between twenty and thirty other cases in which the salaries of Consuls had been taken into consideration upon representation of their inadequacy, and increased allowances made by the Government. He must add, however, that the adoption of any such scale of remuneration as the Government would desire to lay down, and which would be satisfactory to the Consular service, would entail a great and sudden charge upon the public revenue. It was necessary to proceed with caution, and it had not been thought desirable to propose to Parliament any large increase in the present Vote for the Consular service. There was another important point in which the hon. Gentleman took great interest, the appointment of young men who had studied the languages of the East to consular appointments. The Government had considered that point, but they found the best authorities were opposed to such a system, for reasons which appeared to be sufficient. The plan would be very expensive; and when the students were qualified at the expense of the country, there was no certainty that they would remain in the public service. There was such a demand for persons skilled in the use of Eastern languages that it was possible that the services of young men educated by the country would be obtained by mercantile houses or public companies by the offer of higher remuneration.

Mr. W. WILLIAMS said, an increase of the salaries of the consular body was never contemplated by those who supported the Motion for the Committee of Inquiry. On the contrary, it was then thought that the salaries of many of them should be reduced. Besides, the competition for admission into this department of the public service was greater than with respect to any other; and he complained that private interest, and not efficiency, governed many of the appointments. He hoped the Government would pause before they made any increase in the salaries, especially as there had been no complaints from the consular body.

Sir WALTER FARQUHAR said, he was always under the impression that the consular body generally were very much dissatisfied with their salaries; and if the hon. Member for Lambeth (Mr. W. Williams) had taken the pains to read the evidence given before the Committee, he would have seen that it fully bore out their complaint in that respect, and that it was shown that the cost of necessaries, lodging, and living abroad had increased 50 per cent in some places, and in others even more. It was that consideration which led the Committee to recommend an increase of salary, and he regretted that the hon. Member had sought to weaken that recommendation. He was glad, however, to learn that the Government had taken this matter into their serious consideration, and he had no doubt that they would eventually carry out the recommendations of the Consular Committee, or at least the most important of them.

APPOINTMENT OF NEW MAGISTRATES FOR HEREFORD.

OBSERVATIONS.

Mr. G. CLIVE said, he rose to call the attention of the House to the recent appointment of Magistrates for the City of Hereford, and to ask the Secretary of State for the Home Department on what information and at whose suggestion such appointments were made; also, whether he will object to the production of any correspondence which may have taken place on the subject. Without any previous communication with the civic authorities of the city of Hereford, an order had arrived there nominating six new magistrates, all of whom belonged to one political party. The circumstance had given rise to great dissatisfaction among many of the citizens. They had sent up a petition, which he had presented to the House, stating that though there was no want of magistrates in Hereford, six had all at once been appointed by the Lord Chancellor without any communication with the municipal authorities, and that their appointment was due to the interference of some person or persons unknown. That petition was signed by the Mayor, four out of six aldermen, eleven members of the town council, and several magistrates and gentlemen of local standing. The petition went on to object to some of the persons who had been appointed to the magistracy. Two of them, it was said, were retail traders, and therefore not persons whom it was expedient to make magistrates. His own opinion was, that retail traders might often be as good magistrates as any gentlemen who sat on a county bench; but in this case the two persons in question were at this moment practising their respective trades, and could hardly be expected to have sufficient leisure for the proper and efficient discharge of magisterial functions. The population of Hereford in 1851 was about 12,000; it could not now be more than 15,000, if so many; and there were already eight magistrates for the city when the order in question arrived for the appointment of other six. It might be at the instance of some disappointed local partisan or busybody that those appointments had been made, or as the reward of political services to the Conservative cause. He believed that, if the Session had lasted much longer, similar complaints would have come from other parts of the kingdom. The leading citizens of Hereford were wholly at a loss to know why those six new magistrates had been appointed at all, and especially why they should all have been selected from one particular party. He need not advert to the evils that might result from the possibility of suspicion attaching to the appointments in question; and under the circumstances, and for the satisfaction of the constituency he had the honour to represent, he would beg to ask the Home Secretary the question of which he had given notice.

SIR JOHN PAKINGTON said, that so far as he could trust his memory, after the great number of subjects, he was under the impression that the Motion they were debating was as to the adjournment of the House. His right hon. Friend the Secretary of State for the Home Department had spoken, he would not say upon, but to, that Motion, and therefore could not speak again until it was disposed of. His right hon. Friend would, however, take an opportunity of replying to the question just put to him when answering a question which another hon. Member had given notice of his intention of putting on the House going into Supply. In answer to a question which stood in the name of the hon. and gallant Member for Tralee (Captain O'Connell), and which was as to when the Warrant would issue placing naval medical officers on the same footing as medical officers in the army, he (Sir John Pakington) was unable to state the precise day when the Warrant would issue. He could only repeat what he had before stated, that the matter was under his consideration, and that it was his intention substantially to comply with the requests made by the naval service.

INDIAN FINANCE.—QUESTION.

MR. LIDDELL said, he would beg to ask the Secretary of State for India whether, in consequence of the appointment of Mr. Peacock to the Chief Justiceship of Bengal, it is the intention of the Government to recommend that the vacancy thereby created in the Council of Calcutta should be filled up by a person competent, from experience and skill, to superintend and remodel the Finances of India.

LORD STANLEY said, he would take this opportunity of answering the various questions which had been addressed to him. The first related to the locality in which the Indian business in this country was to be carried on. He always listened with great respect to anything which fell from his hon. and learned Friend opposite (Sir E. Perry), but he thought that he rather exaggerated the importance of a change from the city to the West end, when he said that it would seriously influence the conduct of the Indian administration. No person was so much interested in this question as the Indian Minister for the time and his Parliamentary Secretary, to whom it was very inconvenient to be separated by about half an hour's journey from their colleagues and from that House. He had to consider this question in August last, and having found that all the political departments could not be accommodated in the building in Cannon-row, he thought, on a full consideration of the balance of inconvenience, that it was better to remove the whole department to Leadenhall Street, where it was now, than to have one part of the business carried on in Cannon Row and another in the city. The hon. and learned Gentleman had suggested that accommodation might have been found by occupying the houses in Manchester-buildings. No doubt that might have been done by, though probably not without, the authority of an Act of Parliament, but those premises would have required refitting from foundation to roof, at an expense which it would have been unwise to incur for a merely temporary purpose. It had been determined that a new India Office should be erected upon the site in the neighbourhood of Downing Street which the Government was about to acquire, and the delay which had occurred in the commencement of the works had arisen solely from the legitimate and natural desire of that House to have an estimate of the expense, and to see the designs both for this and the Foreign Office before they were acted upon. The elevations and general designs were now ready, the preparation of the working drawings would be proceeded with, and as soon as the House had pronounced as to the style to be adopted they would be prepared to proceed with the erection of the India Office. The expense would, of course, fall upon the Indian revenue, and therefore there would be no occasion to wait for a Vote of that House; but as the India Office and the Foreign Office would form portions of the same plan, and were to be in the same block of buildings, a decision could not be come to on the style of one of these offices without involving a decision on the style of the other. He did not think, on the whole, that it would, under these circumstances, be desirable to go to expense in making additions to the building in Cannon Row. In the meantime, however, a telegraph had been laid down between Leadenhall Street and Cannon Row, and by this means a great saving of trouble had been effected. With regard to the other question, as to the appointment of a financial member of Council, he must observe, that when he said it was the intention of the Government to send out some person versed in finance to fill the vacant place in the Council at Calcutta; that intention was conditional on their being able to find a person fit for that duty, and willing to go out. The hon. and learned Gentleman opposite had expressed a doubt whether, according to the existing law, such an appointment could be made. For his own part, he did not think that it would be a violation of the spirit any more than it was of the letter of the Act. The spirit of the Act clearly was, that one member of the Council of the Governor General should be a man not connected with the civil service of India, not connected with the Indian administration, but sent out fresh from England, to introduce, as it were, an English element into the Council. There was no doubt that originally this provision was made in order that the Government might have the benefit of the services of a gentleman of the legal profession. There were, however, no words in the Act which rendered it necessary that the person to be appointed should be a lawyer, and as our present necessity was to have in the Council some one competent to deal with financial concerns he did not think that it was putting a strained construction upon the Act to comply in that manner with the requirements of the public service. As the hon. and learned Gentleman seemed to doubt the legality of the appointment he would take an opinion upon the subject; but even if that doubt proved to be correct it would only affect the question as to whether the person sent out would have a seat in the Council; because it would be easy to send out a gentleman under the name of a commissioner and to pay his salary out of the saving which would be effected by not filling up the vacancy in the Legislative Council.

THE GALWAY MAIL CONTRACT.

QUESTION.

Mr. BEAMISH said, he rose to ask the Secretary to the Treasury, whether, Sir Samuel Cunard having offered, through a deputation who waited on the Admiralty and Treasury departments on Monday last, to convey the mails weekly between an Irish port and America for the sum of £500 the voyage out and home, it is the intention of Her Majesty's Government to persevere in completing a contract for £300 for this service (fortnightly) between Galway and America? As an Irish Member, he felt grateful to the Government for sending the American mail through Ireland; but, in his opinion, it was not right that so extensive a contract, amounting to £78,000 a year, should have been given without any competition, or without any other persons but the Galway Steam Packet Company being informed that such a service was required to be performed. He might also state, that since he had given notice of his intention to ask this question, Sir S. Cunard had authorized him to say that this service could be executed for £250 a voyage, or one-twelfth of the sum which the Government had undertaken to pay to the Irish company.

Sir STAFFORD NORTHCOTE said, he would, in the first place, answer the question put by the hon. Member for Clitheroe (Mr. Hopwood), with respect to the dismissal of a gentleman from the Emigration Office. He would explain, at the outset, that the Commissioners of Emigration acted under the Colonial Office, and that no gentleman could properly be admitted into that department unless he received the certificate of the Civil Service Commissioners. The gentleman to whom the question related was an *employé* in Mr. Gurney's office, and was taken thence during a great pressure which occurred in the Government Offices some few years since. Several other gentlemen were taken at the same time into the Government employment. It was intended that their engagements should cease at the end of the Parliamentary Session, and such intention was carried out in all cases except that of this particular gentleman. As the engagement was temporary at its commencement, these gentlemen did not receive the certificate of the Civil Service Commissioners. When that gentleman remained in the office, his case was not brought before the Commissioners for some time. At the end of two years and a half, however, it was remarked that he had not obtained a certificate. He was then examined, and the result was, that he was found perfectly competent for his post, so far as literary attainments were concerned. He could not, however, produce the necessary certificate of health, and hence the Commissioners had no option, according to their rules, but to report that he was not qualified for the post he held. He could assure the House that this subject of the health of the Government clerks was a most important one. In one case of an office where but twenty-one clerks were employed, the absences through ill-health were equivalent to the loss of one clerk. With reference to the question of the hon. Member for Cork (Mr. Beamish), he must say, that when he read that question he was much surprised, and his surprise had not been lessened by the few words which the hon. Member had addressed to the House. The hon. Gentleman seemed to insinuate that a certain duty would be performed for £500, or, as he now said, £250, for which the Galway line of packets would receive £3,000. Now, he had not had the advantage of meeting the deputation which had waited upon the Government on this subject, but he had seen Sir S. Cunard and also the hon. Gentleman upon it, and the proposition of Sir Samuel was, in fact, this:—That for the sum of £500—in addition to what he already received—that gentleman would allow his vessels to call at Cork. Now, Sir S. Cunard already received £3,400 in respect of his postal contract, and hence, by his proposal, the country would pay, not £500 merely, but £3,900. for that which the Galway line would undertake to do for £3,000. And even this did not represent the whole of the question, for if the Government were to accept the offer of Sir S. Cunard, very little additional accommodation would be afforded to either England or Ireland; the Cunard steamers, in the course of the service which they already performed, would merely call at Cork; but the Galway contractors proposed that, in addition to the service performed by Sir S. Cunard, there should be another service in every alternate week from England through Galway to America. That would give three services in one week and two in another, for at present there were two services every week from England to America; but the Postmaster General having pointed out that it would be more convenient to have three services in each week, a communication had been made to the American Government with the view of inducing it to establish an additional fortnightly service. If that application should be unsuccessful, it would be the duty of our Government to consider whether they ought not to give another service themselves, and if they decided that question in the affirmative, it would be open to Sir S. Cunard to compete for the service. He had no hesitation in saying that it was the intention of the Government to persevere in completing the contract with the Galway company.

Mr. GLADSTONE said, he concluded, of course, that the contract would be submitted for the approval of Parliament. Indeed, he should be glad to know when the House would have an opportunity of discussing fully the conditions of the packet service, and the expediency of extending the engagements to which the country was already pledged.

Lord DUNKELLIN said, he thought that the present Motion and others of a similar nature in opposition to the Galway line sprang from a desire to support moneyed and local interests against struggling energy. What was wanted was not that every line of steamers should start from Liverpool, but that the public should have the benefit of the advantage afforded by the geographical position of the nearest port to America. It had been generally admitted that it would be to the public advantage that a line to America should run through Ireland, and, when the whole of Ireland was open for the purpose, private energy and enterprise had fixed on Galway as the most convenient port. By the new contract with the North Western Railway Company, Galway was brought within fifteen hours of London, and he doubted whether Cork could be brought within such easy reach of this metropolis. Even supposing Sir S. Cunard had a right to all the American traffic he (Lord Dunkellin) could not understand on what possible grounds that gentleman claimed anything at all for going into the port of Cork, as it was as near for him to go by the south as by the north of Ireland. There had been at least sixty memorials to the Treasury from Chambers of Commerce, and from large and influential towns in favour of the Galway line, and he thought they were entitled to be treated with some slight respect. Galway was undoubtedly more conveniently situated for communication with all the different commercial towns of Ireland than Cork, but he felt that, if any principle of competition were to be laid down, it should not be a principle of competition between one town and another, but generally a competition for the conveyance of goods and mails from Ireland to America.

Mr. MAGUIRE observed, that he had never said, and did not then intend to say one word against the Galway project; on the contrary, he wished Galway every success; but because he loved Galway much, it did not follow that he did not love the south of Ireland a little more. Sir S. Cunard asserted, on his own responsibility, as the head of a great firm, that the harbour of Cork was the best harbour in Ireland, that it was the one to which alone he would send his vessels, and that geographically speaking, with a mere difference of twenty-five miles, Cork was as near to New York as Galway was. He also stated that he knew that such were the capabilities of the harbour, that he could run his vessels in at any state of the tide—that he could place his vessels at the Admiralty stairs in any state of the tide—that there would be no outlay necessary to suit the harbour to his object, and that the communication between Cork Harbour and London could be accomplished within 16½ hours, or two hours within the time of the transit between London and Galway. By accepting Sir Samuel Cunard's proposition, the advantages offered by the other company every fortnight could be obtained every week. However valuable Galway harbour might be, a considerable time must elapse, and the expenditure of a large sum of public money must be incurred, before it could be rendered equal in advantages and importance to the harbour of Cork. There were sometimes as many as 500 ships of all sizes in Cork harbour; and it contained docks large enough for the refitting of the largest merchant steamers, and for the reception of ships of the size of the *Duke of Wellington*. There was in that city a large and important mercantile community, and it had the advantage of direct communication with London. He thought then, that as the Government were ready to give so large a subsidy to Galway they ought to grant the small subsidy to Cork, which would secure the great advantages which Sir S. Cunard was ready to offer to the public.

Mr. MONSELL said, it was of great importance that the House should know whether this contract was to be made on the sole authority of the Admiralty or the Treasury, and whether the public were to know nothing about it until it was concluded, and they found themselves saddled with £78,000 a year for seven years. This course was proposed in the face of the declared opinion of a Commission over which Viscount Canning presided, and which recommended that in every instance the contracts for the postal service should be made by public competition. In November last the Treasury distinctly stated, in reply to an application from the Philadelphia Company, that that was the principle which governed them; but in this case they had entirely departed from that principle, and were concluding a contract without public competition, and without allowing the House to pronounce an opinion on the subject. As Parliament was on the eve of a dissolution, it would be impossible to appoint a Committee to investigate the matter during the present Session, and probably before the new Parliament assembled the contract would be completed, and the House would have no opportunity of expressing its approval or disapproval of the arrangement. He would not enter into any discussion of the merits of the rival ports, but it had certainly been declared, over and over again, by commissions, including many eminent naval men, that Galway was not the best port in Ireland for a packet station. He trusted that the Chancellor of the Exchequer would tell the House that this question would not be determined without its being fairly submitted to Parliament. He was perfectly aware that the right hon. Gentleman had spoken, but a nod from him would suffice. He was sorry to see that the right hon. Gentleman's head remained perfectly stationary, and he presumed, therefore, that he could not give an assurance which would be so satisfactory. Every one was agreed that such a communication as was proposed between Ireland and America should be adopted, but the question was whether it should be carried out in a fair manner by open competition, or by such a contract as the Government contemplated. He did not impute any motives; but he thought it unfortunate that the Government should have the power — if they did posses it — of making these private arrangements, which might be turned to political advantage. An opening was thus afforded to something nearly akin to jobbing, and he thought the proper course was that the question should be left for the consideration of a Committee, or, at least, fairly submitted to the House before the country was pledged to the expenditure of a large sum of money.

Mr. REPTON said, he thought the Government had come to a proper determination in proposing to give the new line of communication a fair trial, and he hoped the House would not be led away from a fair consideration of this question by the hon. Member's (Mr. Monsell's) observations. He (Mr. Repton) was connected neither with Cork, Galway, nor Limerick, and his only wish was that the best course should be pursued in originating a system of communication between Ireland and America, a communication which was agreed on all hands ought to be opened. He thought that if the question was referred to a Committee of the new Parliament much valuable time would be lost without any counterbalancing advantage. The subject had been reported upon again and again, and there was now in the hands of the Government every possible information they could require. Her Majesty's Government had, he believed, conferred a great boon on the sister country by concluding the contract with the Galway Company.

Mr. LABOUCHERE said, he felt it necessary to make a few observations with reference to that control which the House ought at all times to have over the expenditure of public money. His attention had been called incidentally to the subject under discussion when he formed one of a Commission appointed to inquire into the management of the Post Office. One of the recommendations made by that Commission was that the direction of the steam services should be transferred from the Post Office to the Admiralty, in order that the Admiralty might include the expenditure in respect of those services in their estimates, and that so the expenditure might be brought under the consideration of the House of Commons. He was totally unable to express an opinion upon the question whether Galway was or was not the best terminus for a new communication with America. There could be no doubt that the House would desire to afford the best communication that could be obtained between Ireland and America; but what he wanted particularly to press upon the House was that they ought to be extremely jealous in cases of this sort. He hoped that at the first possible moment an opportunity would be afforded to the House of hearing explanations and pronouncing an opinion on the subject. Meanwhile he would ask whether it was the intention of the Government in the Estimates of the present year to submit to Parliament the expenditure which would be caused by the contract, consequently placing it in the power of Parliament to say aye or no to the advisability of incurring this expenditure.

Mr. COGAN said, he thought that if the House was to enter into a revision of contracts, such a revision should not be confined to the Lever Line, but should embrace the Cunard line. He believed the contract with Sir S. Cunard had lately been extended without any competition whatever. In his opinion the Government deserved credit for their prompt and proper interference to assist this attempt to establish a Transatlantic communication between Ireland and America. On such an occasion he had hoped that no local jealousies would have been allowed to interfere, and he was surprised that other ports, where no effort had been made to establish a line of communication, should, like the dog in the manger, try to prevent Galway from enjoying the benefits to which it was fairly entitled.

Mr. J. C. EWART said, the contract ought to have been opened to public competition. From the course which had been pursued the steam proprietors of Liverpool, who had some of the finest boats at their command had not had an opportunity of competing for the postal communication with America.

Sir JAMES GRAHAM observed that he presumed that the silence of the Treasury bench proceeded from its inability in point of form to answer the question put by his right hon. Friend (Mr. Labouchere), but he trusted that when the report of Supply came up some Member of the Cabinet—in the absence of the First Lord of the Admiralty, with whom properly speaking the responsibility rested—would offer an explanation. For his part he should be unwilling to interfere in the rivalry between Galway and Cork, but the taxpayers of this country had a deep interest in this question. He doubted greatly whether additional packet communication was required between this country and America. Considering the lines of packets now running between the two countries, he questioned whether a new fortnightly communication was worth the heavy sum which it was proposed to pay for it. But even if that were admitted, still graver questions would arise—namely, whether the Government, not by open contract, but by private arrangement, could make an engagement binding on the country to the extent of £78,000 a year without the sanction of this House. He hoped the Government would be in a condition to inform the House that they were not now absolutely bound by any such engagement, that an opportunity would be given even to the present, but at all events to the next Parliament, of pronouncing upon the expediency of this extra communication, accompanied by such heavy extra expenditure, and that care would be taken to make any arrangement wholly a conditional one until the sense of Parliament was taken upon it.

MR. LINDSAY said, that a Liverpool firm which had been running steamers between this country and America lately applied to the Government with regard to the conveyance of mails, and the answer they received was, that it was the practice of the Government in such cases to invite tenders by public advertisements, thereby affording to all parties an opportunity of competing. That reply, he contended, contained the enunciation of a sound principle. Why should that principle be departed from? If principles were thus to be disregarded, where would such conduct end? He thought the matter should be fully discussed, and he hoped the Government had not pledged themselves to the payment of the £78,000 a-year. Many commercial considerations existed besides those relied upon as justifying the contract, all of which, however, ought to be fairly and fully discussed.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

SUPPLY—REPORT.

On bringing up the Report of Committee of Supply,

REFORM BILL—QUESTION.

MR. CAYLEY: I wish to put a question to the right hon. Gentleman the Chancellor of the Exchequer upon a matter of great interest, which I trust it may not be inconvenient or inopportune for him to answer, though perhaps I ought to have given him a more formal notice. An impression has gone forth, founded apparently on the statement made by my right hon. Friend on Monday last, or on that made by the Earl of Derby elsewhere, that the Earl of Derby's Government have come to the resolution of altogether washing their hands of the question of Reform for the time to come, and that it is not their intention either this year or in any other year to bring in another Reform Bill. The question I wish to put to the Chancellor of the Exchequer is, whether he meant by his statement on Monday last to convey to the House and to the country that the Earl of Derby's Government, if then in office, had no intention of introducing a Reform Bill in the Session of 1860; and whether, on the other hand, it is not the intention of the Earl of Derby's Government to introduce another Reform Bill on the first practicable opportunity?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it will perhaps be more convenient that I should answer the question which has been put to me by my hon. Friend at once than that I should mix it up with those other subjects which have been brought under our notice this evening, and to which it will be my duty to allude before the Report of the Committee of Supply has been received. I am not quite sure whether I have succeeded in collecting exactly the precise nature of the inquiry which my hon. Friend has addressed to me, but I understood him to ask me whether, when I announced it to be the intention of Her Majesty's Government to withdraw the Bill which we introduced for the Amendment of the Representation of the People, I made a statement to the effect that it was not the intention of the Government under any circumstances to bring forward again a measure of what is termed Parliamentary Reform? [MR. CAYLEY: Hear, hear.] Now, I certainly never intended to make, and my impression is that I never did make, any such statement. And although on the occasion in question I was desirous of introducing no subject which could lead to controversy, I nevertheless asserted the right of hon. Members who sit on this side of the House, to deal, as a political party, with that question of Parliamentary Reform, which it seemed to me some persons would maintain to be the peculiar privilege of another party. I asserted then that I considered we had a perfect right to deal with that or any other public question, but that, having fulfilled the pledge which we had given to the House and to the country by bringing forward a Reform Bill, we did not wish to burden ourselves with any specific pledge to bring forward another measure of Reform at any particular time; that I reserved to ourselves the right to bring forward such a measure when we considered the interests of the country required it, if we had an opportunity of carrying it; but that I did not wish to bind ourselves specifically to bring forward any such measure at a particular time. That was the impression which I intended in my mind—and I thought I succeeded in doing so—to convey to the House. I spoke with reference to the meeting of the New Parliament in June or July next, and I did not wish to hold out to the House or to the country the erroneous impression that we intended to do then at once that which we did not intend to do. But on a future occasion, if the opportunity should be favourable, and we happen to be in power, I do consider we are perfectly at liberty to introduce a measure on the subject. I believe the Conservative party have peculiar advantages in dealing with the question of Reform. What has recently occurred has not changed my opinion upon that point, and I should certainly be very happy to be the instrument in bringing forward a measure which would have the object of settling, as far as we can expect it, for a considerable time the question of the Amendment of the Representation of the People.

Sir GEORGE GREY: Sir, I am anxious to make a few observations with respect to a question of some importance as to the course to be pursued in reference to which it is, I think, extremely desirable that we should obtain some information from Her Majesty's Government. On Monday last the right hon. Gentleman the Chancellor of the Exchequer stated that he and his colleagues had advised Her Majesty to dissolve Parliament, and he accompanied that statement by an announcement to the effect, that it was the intention of the Government that the dissolution should take place at the earliest possible moment, and be asked for the assistance of the House in enabling him to carry out that intention. That assistance has been liberally accorded. Hon. Members in whose name notices stood upon the paper of the House waved their claims to press them, and we agreed to a Resolution in accordance with which Government Orders of the day are to have precedence of other business during the remainder of the Session. The consequence has been, that the business of the House has proceeded so rapidly that the Votes in Committee of Supply have been closed, that the Report has been brought up, and that it is now competent for any hon. Gentleman to count the remaining days of the Session. Indeed, it may be safely predicted that, unless some unexpected source of delay should arise, the prorogation of Parliament may take place—if we should sit on Saturdays, which I believe is not intended—on the 16th instant; and, in any case, on the Monday following. It was understood that a dissolution would at once follow the prorogation, in accordance with the usual practice under similar circumstances. During the last twenty years Parliament has been dissolved on five different occasions, the dissolution, on four of those occasions, having taken place on the same day as, and on the fifth, on the day following, the prorogation. But not only has this been the usual practice, but it has always been felt that to allow a long interval to elapse between the prorogation and dissolution of Parliament, when the latter was in contemplation, was productive of the greatest possible public as well as personal inconvenience. When, therefore, I first heard it mentioned by an hon. Member of this House that that which has of recent years been the course invariably pursued in this respect was about to be departed from in the present instance, I at once discredited the report; but since then, and within the last three or four days, I have heard, on authority to which I felt bound to attach weight, that it is proposed by the Government that the dissolution should not take place for some days after the prorogation. Now, if the dissolution were in accordance with the usual practice to take place on the same day, it is obvious that the elections for boroughs might be proceeded with in Easter week, and that the elections for counties might take place in the week following, while if a different course be pursued, and the dissolution be delayed for a week, the result will be, that the borough elections cannot be proceeded with until the week following Easter week, and that the county elections will be proportionately later. Now, every one who has experienced the inconvenience and expense attendant upon a contested election in counties and boroughs, must be aware how much both are increased by an additional canvass of four or five days. Every candidate must, therefore, be desirous of having his canvass brought to a termination at the earliest possible moment. Moreover, a general election gives rise to a state of excitement which it is desirable to bring to a close as soon as possible. I have been told, however, that the reason alleged to justify a departure from the ordinary course, on the present occasion, is that it is not deemed right that the writs for a new election should issue in Passion week. For my own part, I cannot understand the force of that objection. If, indeed, it were a question as to whether the elections should take place in Passion week, there might be some reason—although such a circumstance is by no means unprecedented—for the delay which I understand is contemplated. That, however, is not the question, and Easter week appears to me is about the best possible time at which the elections can be held, because the early days of the week are holidays of the working classes, who, in those cases in which they possess the right of exercising the franchise, would thus be enabled to vote for a borough without interference with their daily labour, or sacrificing any part of their earnings. I hope, under these circumstances, that the right hon. Gentleman the Chancellor of the Exchequer will be enabled to assure the House that it is the intention of the Government to adhere to what I am bound to say was the distinct understanding on the part of the House of Commons, namely, that the impending dissolution should take place at the earliest possible moment.

THE CHANCELLOR OF THE EXCHEQUER :—Sir, whatever information may have reached the right hon. Gentleman with respect to the subject of his observations I have only to inform him that such information rests on no foundation whatever, and I must beg to object to be called upon to answer inquiries which are founded on common rumour alone. What I told the House originally was this. I endeavoured to give the House some idea of what would be the course of public business, and I calculated, so far as we could then judge, that by using our best exertions we should be able to conclude the business of the country on the Monday or Tuesday of Passion week; and I then took occasion to inform the House that as soon as possible—certainly towards the end of the month—the dissolution would take place. I certainly do think it would be very objectionable to have the elections in Passion week. That has been represented to me very strongly by hon. Gentlemen sitting on both sides of the House. I cannot name the precise day of the dissolution, but as soon as convenient after the prorogation of Parliament the dissolution will of course take place. There is no reason for delay, and I should imagine that it is for the general convenience of hon. Members on every side of the House that it should take place as soon as possible. Perhaps, Sir, I may take this opportunity of adverting to another subject, to the inquiries of hon. Gentlemen in respect to which I have not hitherto been able to reply. If the House wishes to change the whole system upon which the contracts for the public service are issued by the Government, that is a very fair question to discuss, and I should, I trust, be found well prepared to give due consideration to any observations that may be made upon it. I will now merely observe that Her Majesty's Government in the course they have taken with respect to the Galway contract, have simply followed in the steps of previous administrations. It is for the House, if it disapproves the system under which those contracts are made, to come to some different Resolution with respect to them. If the Executive is not to be entrusted with the power of entering into a contract for a packet service, I should like to know with what functions it can be entrusted? But hitherto there has been no case in which Ministers have come down to the House in order to consult it in respect to entering into a contract. And when we came into office we found several important contracts subsisting which had never been brought before the House for its approval. Indeed I am perfectly astonished that any hon. Gentleman should maintain that it is desirable to appoint a Select Committee to inquire into the propriety of any new contract relating to the packet service which the Executive Government may think to be advantageous for the public interests. It has been said that important principles are involved in this question, because we have decided in this case, not upon public tender or competition, but merely upon our own responsibility. Well, Sir, I apprehend we have the power to do that if we think fit. It is not the first time that such a thing has been done, and I find upon the very paper which stands for to-day that a question has been put down with respect to the renewal of the steam packet contract for the West Indies; and the Secretary for the Treasury was asked whether there was any intention to renew that contract—

whether any complaints had been made about the performance of that service? and so on. I imagine, Sir, that we have a right, if we think ourselves so justified, to enter into any contract without putting it up to public competition. Now, what are really the facts of the case in regard to the Galway contract? Here are some enterprising persons who develope a means of communication which no one had previously thought of, and which it would be of immense advantage to establish. We investigate the circumstances. We find that they offer a rate of speed exceeding that of any other service at present attainable. They offer too that increased rate of speed at a very diminished cost. We gain, Sir, by the arrangement which they offer, two days in point of time in our communications between Ireland and America, and £400 on each voyage. They also offer advantages for the transport of troops between Athlone—a great military station—and America. They also offer the transmission of telegraphic intelligence across the Atlantic under peculiarly advantageous circumstances to the Government. We have to consider, when we receive offers of this kind of an enterprising character, whether they are to be encouraged and supported by the Government or not; and we also have to consider whether if that encouragement were not given such advantageous offers would ever be repeated. Believing, then, that it was for the very great advantage of the country that this enterprise should be established; finding that the rate of cost was very much lower than that of the Cunard line, to which such frequent reference has been made, and that the speed would be very much greater, we chose, on our own responsibility, and as, I believe, for the public good, to accept that offer. I shall be perfectly ready at any time, upon a proper opportunity, and not in this desultory manner, to vindicate that policy as one highly advantageous to the United Kingdom, and one which we were justified in adopting. I may say that it was our duty to adopt. The right hon. Gentleman opposite is anxious that there should be a proper Parliamentary control over these contracts by the Estimates being laid before the House. Why, Sir, of course the Estimate will be laid before the House? How are we to carry it into effect, except with the consent of Parliament?

Mr. LABOUCHERE: Will the Estimate be in the Votes of this year?

The CHANCELLOR of the EXCHEQUER: The Estimate cannot be in the Votes of this year; but before the Government shall have paid one single shilling, the Estimate will be laid before Parliament. It must be recollected, that it was necessary to enter into this contract at once, because great preparations are requisite before it can be carried into effect; and a very considerable time must elapse before the money will be required. I repeat, however, that before a single shilling is advanced by the Government, the Estimate will be submitted to the House, and it will have the same opportunity which it has in the case of the Cunard Company of controlling the execution of the contract. If the House should not choose to vote the money, of course there will be an end to the matter. But the House will only have to do that with regard to this company which it does every year with regard to the Cunard Company; and if it disapproves of the manner in which the contract is carried out, it can put a stop to it by withholding the vote of money. I believe the Government have acted in this matter wisely, and for the public advantage. If, however, they have not acted wisely, nor for the public advantage, they have acted in conformity with precedent, and they have not taken a single step in which they were not justified by the course which has been repeatedly pursued by preceding Governments upon similar occasions. I trust, therefore, that the House will not think it necessary to interfere with the arrangement which the Government have made, and which, I believe, to be greatly for the public advantage.

Viscount PALMERSTON: Sir, I merely wish to call the attention of the right hon. Gentleman to the answer he has given to the question of my right hon. Friend as to the period of dissolution. That answer was anything but satisfactory. The right hon. Gentleman appears to intend that the dissolution should not take place until the end of the month.

The CHANCELLOR of the EXCHEQUER: Towards the end of the month.

Viscount PALMERSTON: Towards the end of the month. My right hon. Friend urged that in accordance with the declaration of the Government, the dissolution should take place as soon as possible; and he has informed us, that on all ordinary occasions the writs are issued the day after the prorogation. The dissolution can take place the day after the prorogation, and it is possible for it to take place on the same day. I cannot, for the life of me, imagine what purpose the Government have in view in postponing the dissolution apparently until "towards the end of the month." The House feels the great inconvenience of such a course. Hon. Gentlemen sitting behind the Treasury bench must feel it to be as inconvenient to them as it is to hon. Gentlemen upon this side, and therefore I entreat the Government to reconsider their intentions upon this point. The dissolution might take place with perfect convenience upon the very day of the prorogation, or the day after; the elections could take place in Easter week, and Parliament could meet at the earliest possible period. But we were told just now that the Government would not undertake to bring in a Reform Bill in June or July, and are we to understand that Parliament will not meet until June or July? When the Government with which I had the honour of being connected dissolved Parliament in 1857, the right hon. Gentleman reproached us with endeavouring to waste a year. I am sure we vindicated ourselves from that reproach, because when Parliament met at the earliest possible moment, measures of a very important character were considered and carried. But if the dissolution is to be postponed in the manner indicated by what has fallen from the right hon. Gentleman, and that the meeting of the new Parliament is not to take place until late in June or the beginning of July, the reproach of wasting a year may, I think, be justly applied to the present Government, than that of which I had the honour to be the head.

THE CHANCELLOR OF THE EXCHEQUER: The House will allow me a word of explanation. I did not speak of Parliament meeting at the end of June or the beginning of July; I talked of introducing a measure of great importance at that period. I could not suppose that a Reform Bill would be introduced on the very day that the new Parliament meets. I will say this, that with regard to the dissolution we lost a day this week—not from the fault of any person, but it was a loss which the Government endeavoured to prevent. I can only repeat that we have no intention whatever of delaying the dissolution; and I cannot, I confess, see how it could be at all to the advantage of the Government to delay the dissolution; neither would such a delay be conducive to the convenience of any of our friends. But I say again, I do not think it would be convenient to pledge myself to a particular day for Parliament to be dissolved. I still think, as well as we can calculate, that all the business will be concluded about Tuesday week—the 19th. That, I think, is getting "towards the end of the month." The noble Lord is somewhat hypercritical upon that point. It is very true that the convenience of hon. Members is to be considered; but still there are other considerations, besides the convenience of hon. Members which the Government must not omit to take into account. I repeat that, as soon after the business of the House has concluded, and as myself and my colleagues think it consistent with the public interests, a prorogation and dissolution will take place. In point of fact, however, a prorogation may not take place till towards the end of the month.

LORD JOHN RUSSELL: Sir, the right hon. Gentleman, no doubt, cannot at this moment pledge himself to any particular day upon which Parliament will be dissolved, because there might be business which may take a longer time than is at present calculated upon, although I believe that pretty generally hon. Members of this House can estimate that the business will not occupy us later than Monday week. But the right hon. Gentleman is perfectly able to answer the question of my right hon. Friend whether the dissolution will immediately follow the prorogation. There can be no difficulty about that. We have repeated precedents in which the Crown having thought fit to dissolve Parliament asked the assistance of the House of Commons, and that assistance has been readily given, as I am sure it has been now; but a dissolution has always followed, if not on the same day at latest upon the day after the prorogation. I cannot imagine what difficulty the right hon. Gentleman can experience in assuring the House that as soon as the Crown is able to prorogue Parliament Her Majesty will be advised to do so. My noble Friend is quite justified in commenting upon the phrase of introducing a Reform Bill in June or July. I believe that upon the 19th or the 20th of this month Parliament may be dissolved, and then the new House can meet about the end of May. The right hon. Gentleman the other day rather taunted my noble Friend and myself with a want of patriotism, for asking, as Sir Robert Peel asked me in 1841, that if the existing Parliament should be dissolved the new one should meet as soon as constitutional precedents, and the requirements of the law would permit. Since that time a law has been passed, known as Lord Brougham's Act, by which Parliaments may meet sooner than they could. The new Parliament might meet by the end of May. What is the meaning then, of talking about a Reform Bill in July? There can be no difficulty, if a Reform Bill is really in contemplation, in introducing it as was done in 1831, ten days after the assembling of the new Parliament, and if Parliament meet by the end of May a Reform Bill might be introduced by the middle of June. I cannot help thinking that there is something strange in the declaration of the right hon. Gentleman upon the subject; but as the House has behaved with the utmost courtesy to the Ministers of the Crown, I trust that we shall not be left in doubt with respect to the dissolution.

MR. GLADSTONE: Sir, if there has been any ambiguity in the language of the Government with respect to the dissolution I have no doubt that we shall have it speedily cleared up, because there can be no difference of opinion as to the course which both duty and convenience dictate with regard to the time of that event. It is desirable upon every ground that the dissolution should take place at the earliest possible moment—which may be qualified on the present occasion, however, to the extent of a day or two, by the intervention of Passion week—and that the meeting of Parliament should also take place at as early a period as possible. I am quite certain, therefore, that that can never become a matter of argument. With respect to the other subject, which, owing to the accident of the discussion, has become mixed with the question of the dissolution, I would venture to say that the Chancellor of the Exchequer should not understand that any imputation is sought to be cast upon the Government with regard to the Galway contract. This matter of the packet service, is, after all, a young subject. It has been growing up of late years, and it may be that during its progress the House has been more anxious to witness its growth than to maintain with strictness the exercise of its own constitutional control over the public expenditure. But upon this occasion an important contract with a new company happens to have come before the House when the contract is as yet uncompleted. The speech of the Chancellor of the Exchequer, if rigidly interpreted, might be construed to mean that it is positively better that there should be no control by this House over such contracts until they are completed, and until the money of private persons has been laid out upon the faith of those contracts. Then at last an estimate is proposed—not for future expenses, as from the nature of an estimate is implied—but for the payment of expenses already incurred; so that in point of fact no option then remains to the House, but to keep faith with the public. And the Chancellor of the Exchequer must know as well as anybody, when he speaks of the control of the House of Commons in such a case, that it really means no control at all. There is no blame to the Government if they have proceeded in this matter as former Governments have done. When I had the honour to hold the office of Chancellor of the Exchequer I was anxious that rules should be adopted with regard to contracts of this kind, and I submitted certain rules on the subject, which, however, have never been acted on. But I will say that if it be desirable, for the sake of a due control over the expenditure, that an estimate of the ordinary expenses of a single year should be placed distinctly before the House before the expenses are incurred, much more is it desirable that this House should exercise a prior, and not a posterior judgment on a contract which is essentially of a somewhat delicate character, and which is to bind the public faith for a very large sum and over a considerable period of time. Without blaming the Government I would point out that this matter comes before us at a time when the public faith is not pledged, and when we can without imputation vindicate to ourselves the right of considering it, and of trying the reasons which have approved themselves to the minds of the Government. I would, therefore, respectfully submit to the Government, that, under these circumstances, they would do well and wisely to recognize the constitutional jurisdiction and control of the House of Commons over the public expenditure, and to afford to it a full opportunity of considering the contract which they purpose to complete before it is completed, and before private persons have laid out their money upon the faith of it.

COLONEL FRENCH said, that although the right hon. Gentleman who had just sat down had disclaimed any intention of blaming the Government for what they had done in the matter of this contract, the Government had twice been attacked, without much consideration, on account of it. The Chancellor of the Exchequer had fairly thrown down the gauntlet, and had stated that he was ready to justify the contract, and to show that it was for the benefit of the public. If the right hon. Member for the University of Oxford doubted that, let him take up the gauntlet in a straightforward way, instead of attacking the proceeding by a side wind.

MR. F. W. RUSSELL said, that the right hon. Gentleman had shown that the only control which the House had over the contract was by stopping the Supplies after the contract had been completed. If the Government had put this contract up to public competition they would have had parties offering any port they thought best, instead of Galway alone. This was a larger question than the selection of Galway. Why was it concluded that Galway was the only good port for the purpose in view? It was the duty of the Government to suspend the completion of this contract till the new Parliament could take the whole question into consideration. There was no urgency whatever in the matter.

MR. RICHARDSON said, he had no interest in any one port over another, but any one who looked at the map of Ireland could see that Galway was the direct route to America. He must claim for Ireland the benefit of a direct communication with America. Two thirds of the letters from America were for Ireland, and why should they go to London before they were delivered at their place of destination? Ireland therefore ought to have a packet station of her own. Cork and Limerick grasping for the shadow might end in Galway losing the substance.

BARON BRAMWELL AND WELSH JURIES. —HEREFORD MAGISTRATES.

MR. SOTHERON ESTCOURT said, he rose to answer one or two questions which had been asked some time ago, and which the House had very likely forgotten, owing to the varied character of the discussion which had taken place since they had been put. The hon. Member for Chester (Mr. Salisbury) had called the attention of the House to some remarks said to have been made by Mr. Baron Bramwell at Bala, on the North Wales circuit, and, speaking as a private individual, had exercised the right—which he (Mr. Estcourt) would not contest—of expressing an opinion upon the discretion of the remarks attributed to the learned Judge. The hon. Gentleman pointed out that some of those remarks not only impugned the verdict of the jury, but that they seemed to depreciate the Principality of Wales in point of honesty, as compared with England. As a private individual perhaps he might join with the hon. Gentleman in thinking that although nothing was said by the learned Judge which could be made the subject of complaint, still, as a matter of discretion, a comparison between one part of the country and another might have been avoided. But he (Mr. Sotheron Estcourt) would beg the House to observe that he was called to speak on this matter as a Minister of the Crown, and that there were considerations connected with it of far higher importance than that immediately referred to in the notice on the paper. The question was really one which seriously trenched on the independence of the Judges of the land. He should be loth to take any step, or to use any expression which might in the smallest degree disparage that independence of the Judges, which was one of the last qualities which that House ought to surrender. So strongly had Parliament always felt the necessity of maintaining that independence of the Judges, that they were not reckoned as officers over whom the Home Secretary had any control. The Judges of the land, in addressing juries from time to time, had frequently made use of remarks intended as warnings or reprehensions, or as guides to public opinion on matters not immediately before them, but which incidentally arose out of the circumstances they were trying. That liberty of remark had been felt to be a great preservative against innovations, misconduct, and a number of practices deserving of reprobation, in checking which no such opportunities were afforded as those which came within the province of the Judges in the administration of justice. That being so he had to state that he did not think it consistent with the duties of his office to offer any explanation by way of apology for the learned Judge who was said to have made the remarks to which the hon. Gentleman had called the attention of the House. He turned now to the recent appointment of magistrates for Hereford, which the hon. Gentleman (Mr. Clive) who represented that city had brought under consideration in an earlier part of the evening. That was a different matter, and he (Mr. Sotheron Estcourt) had felt bound to direct the attention of the Lord Chancellor to the notice which the hon. Member had placed upon the paper, in order that the noble and learned Lord might have an opportunity of affording any explanation he might wish to make in reference to the subject. It was impossible for him (Mr. Sotheron Estcourt) to divine beforehand the nature of the speech with which the hon. Gentleman (Mr. Clive) would preface his question; but what he understood the hon. Member to complain of was, that six gentlemen should have been added to the commission of the peace for the city of Hereford, all of whom were supposed to hold Conservative opinions, and two of whom the hon. Gentleman rather insinuated were scarcely fit for the office by reason of being tradesmen and carrying on business in that city. He also understood the hon. Gentleman to impugn the course pursued by the Lord Chancellor in having made the appointments in question without communication with the authorities of the city of Hereford. First, with regard to those six gentlemen, he understood that about this time last year, from which the commencement of this transaction dated, there were altogether, including the Recorder, the Mayor, and the ex-Mayor, ten gentlemen in the commission of the peace for that city. One, a medical gentleman, had never acted; and of all that body of gentlemen one alone was supposed to hold Conservative opinions, and eight of them had been appointed by former Lord Chancellors holding Liberal opinions. That being the state of the case, he (Mr. Sotheron Estcourt) thought no one would wonder that gentlemen living in the city of Hereford and holding the same opinions as Her Majesty's present Government were dissatisfied, and that they considered an opportunity had fairly arisen when there ought to be an infusion into the magistracy of gentlemen holding similar opinions with themselves. The course which had been pursued was this. They held a public meeting, at which the names of certain gentlemen were canvassed, and after several transactions had taken place consequent upon some of those gentlemen declining to be put in nomination, the names sent up were:—Mr. J. H. Griffith, a barrister, a county justice of the peace, the son of a county justice of the peace, residing within five miles of the city of Hereford; Mr. John Prince, a gentleman of large property residing one mile from the city; Mr. Charles Price, a lieutenant in the navy, whose lately deceased brother was an active borough magistrate; Mr. William Bullock, a private gentleman residing in his own house, where his father and family had resided above fifty years; he was in the law, and his father a prebendary of the cathedral; Mr. Ambery Court, a respectable grocer in a large way of business; and Mr. John Parker, a respectable bookseller. Those names were agreed on at a public meeting, and afterwards submitted to the Lord Chancellor for consideration. What was the Lord Chancellor to do? Did he appoint them at once? No such thing. He communicated with the town clerk on the subject, informing him that an addition was about to be made to the bench, and requesting that the names of the existing magistrates might be sent up to him. That certainly was notice sufficient to the municipal authorities. They did not not, however, recommend any names, and no communication, he (Mr. Sotheron Estcourt) believed, was made by them to the Lord Chancellor. The Lord Chancellor then made inquiries into the character of the gentlemen whose names had been sent up to him from the public meeting, and, finding they occupied the respectable positions which he (Mr. Estcourt) had described, the noble and learned Lord placed them upon the commission of the peace. Those were the circumstances of the case, and he had only further to say that he could not consent to the production of any correspondence on the subject, seeing that it had passed between the Lord Chancellor and gentlemen acting in behalf of a public meeting.

MR. G. CLIVE said, the right hon. Gentleman had stated that of the gentlemen in the commission of the peace at the time the six in question were appointed, one was a Conservative, and one alone. Would he mention the name of that gentleman?

MR. SOTHERON ESTCOURT: Mr. Thomas Evans, an attorney (as we understood).

MR. G. CLIVE said, in that the right hon. Gentleman was mistaken.

MR. EDWIN JAMES said, that with reference to the question of the hon. Member for Chester (Mr. Clive) and with regard to which an explanation had been given by the right hon. Gentleman, he was sure that the House would cordially agree in the constitutional principles propounded by the right hon. Gentleman with respect to the independence of the Judges. He (Mr. James) thought that it was only a gross case of misconduct on the part of a learned Judge that ought to be made the subject of discussion in the House of Commons. Every one admitted the constitutional principle of the independence of the Judges; but the independence of the liberty of the subject depended upon the independence of juries, and he thought it a reprehensible practice for Judges to make remaks on the verdicts of juries. It was a practice from which our greatest Judges had always abstained. It was the duty of a Judge to expound the law to a jury, and the jury, moving in their orbit, were responsible for the verdict. A verdict so given our most distinguished Judges invariably respected, though they might not always approve. He had had the honour of being on the same circuit as the learned Judge whose conduct was impugned on this occasion. That learned Judge was elevated to the bench entirely on his own merits, and he (Mr. E. James) believed him to be a man incapable either of giving offence to a jury or of interfering with the due and impartial administration of justice. He trusted after what had taken place the discussion would be allowed to drop.

Mr. DILLWYN said, with reference to the magistrates of Hereford, he was glad to hear that the Lord Chancellor had adopted a different course to that which he had followed in other cases. In the borough which he (Mr. Dillwyn) represented, five gentlemen had been appointed magistrates without any communication with him or any one connected with the borough.

Mr. CLIVE said, he wished to say one word in explanation with respect to what the right hon. Gentleman had said about one of the magistrates of Hereford being a Conservative. Last year the body corporate sent to Lord Cranworth the names of six gentlemen, four of whom were Liberals and two Conservatives, and Lord Cranworth appointed one from each side, but the name of the Conservative gentleman who was appointed was not Thomas Evans.

BLOWING IN OF THE CASHMERE GATE AT DELHI.

Resolution 13,

"That a sum, not exceeding £12,000, be granted to Her Majesty, on account, towards defraying the Charge of Rewards for Military Service, which will come in course of payment during the year ending on the 31st day of March, 1860."

Mr. COWAN said, he rose to bring under the consideration of the House the fact that Sergeant Carmichael and Corporal Burgess or Burgess Grierson, of the Bengal Sappers and Miners, sacrificed their own lives in the blowing in of the Cashmere Gate at Delhi, in September, 1857, in the same service when the heroic and lamented Lieutenant Salkeld fell. The blowing up of that gate was the point on which the whole of our successes in India rested. From the testimony of Colonel Baird Smith it appeared that it was Grierson who completed the work of the demolition of the gate by taking the lighted match from the hand of Lieutenant Salkeld when he was shot down. Grierson, who at the time of his death was a very young man, was the son of a constituent of his—a very respectable man, but who was at present in reduced circumstances; and he wished to ask the hon. and gallant General at the head of the War Office whether he did not think it fair and reasonable that the father of the man who had so gloriously lost his life in the service of his country, should possess some testimonial of his exploits. For this purpose he would suggest the Victoria Cross might be granted to him. He was afraid that the answer of the hon. and gallant Gentleman the Secretary at War would be that there was no precedent for such rewards; but if there was an appearance of a want of royal or national sympathy with such cases as these he thought it would have the effect of preventing others from enlisting. The claim that he had submitted to the gallant Gentleman had been for some pension to the father of Grierson, who was an old man and badly off. In answer to that, however, the right hon. and gallant Gentleman said that he had no funds. He had then applied to one of the members of the Indian Council, but though the hardship of the case was admitted, all that he got was a contribution of £10, which would not amount to more than an annuity of 15*s.* or 20*s.* a year for the indigent father. For his own part, he should never regret that he was a Member of the Select Committee which had been the means of doing tardy justice to the Land Transport Corps. He hoped that the next Parliament would apply themselves to reduce the national expenditure, but he was sure no Parliament would ever grudge rewards to those who counted not their lives dear to them in the defence of their country. He had to thank the gallant General and every Member of the Government for the great courtesy and attention which they had shown to him. He did not regard the vote which he recently gave as a vote of censure. He should certainly never have concurred in a vote of censure on the Government. No one wished more than he did that they should continue in the prosecution of the various branches of legislation in which they had been so honourably and successfully engaged, and, in addressing the last words which probably he should ever utter in that House, he could assure them that it was his most earnest wish that the new Parliament should apply themselves to the promotion of such objects both at home and abroad as would conduce to the honour and prosperity of the country.

General PEEL said, it was with extreme regret that he found it was out of his power to take any steps for the purpose of procuring the Victoria Cross for the families of the gallant men to whom the hon. Gentleman had referred. It was not customary to grant such a reward on behalf of men who had been killed in the service by which they would otherwise have become justly entitled to the distinction. It wns true that the Victoria Cross had been handed over to the families of the two officers who had been engaged in the same exploit; but the fact was, that although severely wounded, they had survived for some time, and as they had during that period been recommended by Sir A. Wilson, the commanding officer on the occasion, for the distinction, Her Majesty thought that every possible effect ought to be given to that recommendation. That was the sole ground of the difference made between the cases of the two commissioned and the two non-commissioned officers who had so nobly sacrificed themselves in that service. If those gallant soldiers had survived, however short a time, no doubt the same course would have been pursued with respect to them. With regard to the grant of some special pension to the families of those men, he had to state that they had at the time been in the service of the East India Company, and it would, therefore, be impossible for him to recommend Her Majesty to take such a step. He had no hesitation, however, in adding that he would not have withheld the grant if it had been in his power to make it.

Resolution *agreed to*, as were the remaining.

LAW OF PROPERTY AND TRUSTEES RELIEF AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

Mr. ROLT said, he must express a hope that this Bill would not be pressed at that stage of the Session, and in so thin a House. There were many clauses in it which required the gravest consideration, as they involved some difficult questions of law. There was one especially which affected materially the law of debtor and creditor, and which demanded the closest attention.

Sir STAFFORD NORTHCOTE said, he wished, before his hon. and learned Friend rose, to state that the Bill seriously affected the interests of the Crown, and might occasion considerable difficulty and embarrassment to the revenue department. As the Bill came down from the Lords, any Amendment made therein would involve the necessity of its going back again to the Upper House. Under these circumstances he did not think that the Bill could be proceeded with in the present Session.

The ATTORNEY GENERAL said, it was with unfeigned regret he saw any opposition to the passing of this Bill. The measure had twice received the sanction of the House of Lords after long and minute discussions. It contained thirty-four operative and effective clauses. With the exception of two of them, he believed that the provisions of the Bill would effect great and important improvements. He was bound, however, to say that there was much opposition to one of those clauses on the part of solicitors. Looking, however, to the time of the Session, and the state of the benches around, he did not think that the measure could be pressed further at present.

House resumed. [No Report].

House adjourned at a quarter after Nine o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, April 11, 1859.

Minutes.] Public Bills.—1ª Combination of Workmen.
3ª Recreation Grounds.

COURT OF CHANCERY.—THE NEW COURTS.

MOTION FOR A PAPER.

LORD REDESDALE, in moving that there be laid before the House "Copy of the Plan of the Ground to be proposed to be appropriated by the Hon. Society of Lincoln's Inn to the Courts and other Buildings for the Transaction of the Business of the Court of Chancery under the provisions of the Court of Chancery Accommodation Bill now before the House, and Plans and Elevations of the said Courts and Buildings," said, he thought that the entire subject of the accommodation of the Courts of Law and Equity should be taken into general consideration. The accommodation for the courts at Westminster and elsewhere had become inadequate to the requirements of the country, and it was extremely desirable that something should be done to remedy the evil. But before the House assented to the Bill referred to in his Motion, it ought to have before it plans of the ground proposed to be appropriated for the enlargement of the Court of Chancery, and also of the buildings to be erected upon it, because without such plans it would be premature for their Lordships to sanction a measure involving a considerable expenditure of money, and permanently fixing the site of the Courts of Equity. The power sought to enable the Chancellor to appropriate to this purpose £4,000 a year for ninety-nine years from the Suitors' Fund, made this a matter of public interest and importance. He had observed that a petition had been presented to their Lordships from the Incorporated Law Society, directing attention to a very much larger scheme, by which it was proposed to bring together all the courts of law and equity on a space of ground now covered with buildings of a very objectionable description, situated between Carey Street and the Strand. The site contemplated for this scheme extended over seven acres of land, and when it was stated that the estimated cost of the ground alone would amount to no less than £600,000, it was evident the magnitude of the undertaking was sufficient to make the House pause before they gave it their sanction. It had been suggested that a portion of the accumulation called the Suitors' Fund should be appropriated to the purchase of the ground and the erection of the buildings. He would not now inquire how far it was just and proper to apply any portion of this fund to the purpose of any projected improvements in the courts, at any rate any such proposition would require great deliberation. He had some doubts as to the advisability of concentrating all the courts of law and equity in the neighbourhood of Lincoln's Inn and the Temple, as he thought that it was not wise thus to separate the profession of the law from all the rest of the community. It appeared to him that the location of the Courts of Law in close proximity to the Houses of Parliament was an advantageous arrangement. It must be remembered that the attendance of the Judges and of counsel is frequently called for in this House as the final Court of Appeal, and that consequently all the judicial work cannot be concentrated elsewhere, and he thought that it would be more desirable to seek the increased accommodation required at Westminster than to transfer the Courts now there to another part of the town. This might be done at a comparatively small expense by stopping the present way from Parliament Street, making the communication to Abingdon Street from Whitehall down King Street, by the Abbey into Old Palace Yard. The cost of widening King Street must be incurred for the Public Offices, which are to front it, and the removal of St. Margaret's Church would be the sole charge for obtaining the large space of ground he proposed to devote to the new Courts, namely, the site of the present Courts, of the street in front of them, and of the present enclosure in which Canning's Statue is placed, and, though not so large as that before mentioned to be got for £600,000 in Carey Street, he believed to be sufficient for the purpose. There should be ample accommodation in every Court for Judges, counsel, jury, and witnesses, but large Courts were not good for the transaction of business, and a large admission of the public, the expression of whose opinion has often too much influence with juries, is not good for justice. The several Courts should be brought as near together as is compatible with such accommodation, but if too large an area is given to the architect to play with, the long corridors and wide separation of each department from another which we complain of here, will be repeated in the new Courts. The new arrangement of streets which he proposed would be most ornamental to the town, by opening a view of the North Transept of Westminster Abbey from Whitehall, and the gateway into the Court of New Palace Yard would form a noble termination to Parliament

Street, and great convenience to the public would be obtained by separating the traffic from Whitehall over Westminster Bridge, from that to Abingdon and Victoria Streets, and other parts of Westminster. He made these suggestions because he desired the question to be fully considered, and thought he would not be justified in expressing a hope that the Courts should be kept at Westminster, if he did not show the manner in which it could be done. The noble Lord concluded by his Motion.

Lord ST. LEONARDS said, he did not intend to oppose the Motion. There were many reasons which made it desirable that the equity Courts should be retained at Lincoln's-inn. There was great misapprehension abroad both as to what was proposed, and the source from which the necessary funds were to be obtained. The Court of Chancery was at the present time greatly in need of commodious courts. When the Act of 1852 was passed it was intended that the chief clerks should be appointed to each Judge to carry on the business of the courts, and that for the more efficient discharge of these duties the chief clerks should be in direct communication with their respective Judges. In consequence of the present inadequacy of the courts the chief clerks were separate from the Judges, and the complete working of the new system was rendered impossible. Every year that elapsed rendered it more and more necessary to have more convenient and commodious courts.

The LORD CHANCELLOR said, he had given way to his noble and learned Friend who had just sat down with the more satisfaction on account of his great experience in all matters connected with the Court of Chancery, as well as on account of the great improvements which had been effected by his noble and learned Friend's Act of 1852. It was to give full effect to the improvements introduced by that Act that he had proposed his present measure for the better accommodation of the Court of Chancery. With regard to the Motion before them for the plans and elevations of the proposed buildings, he must remind their Lordships that these plans were not theirs; they were as much the property of the Society of Lincoln's Inn as the plans for improving their Lordships' estates belonged to their Lordships; nor was there any public money applied for which would justify their Lordships in requiring them. Neither was his noble Friend correct in stating that public money was asked for to erect the Vice Chancellors' Courts. It was true that power was applied for to appropriate £5,000 of the Suitors' Fee Fund for the erection of those Courts, but so little was this considered to be public money that a clause was introduced into that Bill, providing that in case of there being a deficiency after the application of that money, it should be considered as a private debt, and repaid to the public. He had introduced the present Bill—not as connected with the Government, but from his position as the head of the Court of Chancery, and from the absolute necessity that existed for greater accommodation to be given to that Court. When two additional Vice Chancellors were appointed in 1841, the Society of Lincoln's Inn, at their own expense, built two Courts for the temporary accommodation of those Judges; but he believed that if those Courts were not soon pulled down they would fall down of their own accord. By the provisions of the Act of 1852 the Masters in Chancery were abolished, and a great portion of their business was now done by the Judges in the Court of Chancery, and by their chief clerks in chambers. Rooms had been hired for the purpose, but the accommodation was extremely inconvenient, and the efficiency of the Act of 1852 was seriously impaired for the want of proper accommodation. In order to carry out the purposes of that Act it was absolutely essential that the chief clerks should have their chambers close to the Courts, as they were required to be in constant communication with the Judges. Now, the Society of Lincoln's Inn proposed to give a site and to erect proper buildings for the Courts of Chancery, provided they were guaranteed 4 per cent on their outlay, and on the loss of rent they would incur by the pulling down of the chambers it would be necessary to remove. By the Act of 1852 the Lord Chancellor had the power to apply a portion of the Suitors' Fee Fund to provide Courts and offices; but they could only apply that fund from year to year; and what the Society desired was, that they should be secured for their outlay by a term of years being guaranteed; and that was the only ground which rendered an application to Parliament necessary. He thought that such was the urgent necessity for the measure that this proposal would be acceded to at once; and so it probably would, but for the suggestion of a larger scheme, by which it was proposed to clear a site of seven acres lying between Carey Street and the Strand, and to concentrate all the Courts of Law and Equity on that spot. That might or might not be a fair project to consider; but the means by which it was proposed to accomplish this object it was his duty to oppose, because he understood that the Incorporated Law Society proposed to take £800,000 from the Suitors' Fee Fund, and apply it to the purposes of that building. His noble Friend at the head of the Government had consented to grant a Commission to inquire into the expediency of concentrating the Courts, and the means by which it could be effected. But, independent of that inquiry, he believed it would be unjust to take the Suitors' Fund for such a purpose, because he believed it would be found that this Fund had to bear charges to such an extent that no surplus could exist to the extent contemplated. But even suppose such a plan were considered desirable, and that funds could be found for the purpose, either from the Suitors' Fund or from the Government, how many years must elapse before the plan could be carried out? and in the meantime the suitors in the Court of Chancery and the public generally would be suffering from the want of that accommodation which was at this moment so much required. He could not see, for his part, that this limited measure which he proposed could interfere prejudicially with the larger plan, because the Courts to be erected in Lincoln's Inn under this Bill would be scarce 200 yards from the site proposed in the large plan. He hoped, therefore, that his noble Friend would not persevere in asking for the production of these plans.

Lord CAMPBELL expressed his high satisfaction at the intimation that the noble Earl at the head of the Government had agreed to appoint a Commission to inquire into the expediency of concentrating all the Courts, for the subject was of the last importance to the Judges, the bar, and the public at large. As that Commission was to be appointed, and would, no doubt, report fully, he suggested whether it might not be better to postpone further discussion on the subject until their report was on the table? All further discussion ought to be suspended until the information sought for was forthcoming.

Lord CRANWORTH agreed in all that the Lord Chancellor had said as to the impediment to the working of the Act of 1852 arising from the want of accommodation in the Court of Chancery and the inconvenience that arose from the Chief Clerks not being placed where they could be in constant communication with the Judges. Whether or not it would be convenient to postpone all further discussion on this subject till the Commission had made its report, he had not had an opportunity of considering; but, at any rate, the plans asked for ought to be laid before Parliament; because, if for any reason the Court of Chancery was obliged to come before Parliament for money, even though it was only to sanction the application of the money from other quarters, Parliament was entitled to say that the whole matter should be laid before them before they gave their decision.

Motion *agreed to.*

THE IRISH MAILS.

QUESTION.

Lord MONTEAGLE asked the First Lord of the Treasury in what mode, and under what authority, it was proposed to give effect to the contract respecting the acceleration of the Irish mails now on the table of the House? The noble Lord expressed the apprehension he felt at the extent of the present Admiralty expenditure on account of postal services. It had already reached a million a year, which was one-third of the whole of the Navy Estimates in 1793. This expenditure had in a great measure grown up without the cognizance of Parliament, for although the amount of a particular contract was ultimately brought before the House of Commons, that was not done till the public credit had virtually been pledged. In the case of the Irish mails there had moreover been a direct violation of the law. Formerly these contracts were made by the Post Office, and the payments were made out of the gross receipts of that department. But by an Act of the 17th and 18th of the present reign, which had been passed at the instance of the right hon. Member for Oxford University (Mr. Gladstone) it was provided that the gross revenue of each Department should be paid into the Treasury, and that the cost of collection and management should be voted by the House of Commons, and in order to bring the expense of this service immediately under the cognizance of the House of Commons, it had been provided that the contracts for the conveyance of the mails by sea should be made with the Admiralty. But in this case the contract had been made directly with the Postmaster General, and not through the Admiralty; and therefore, beside the illegality of the act, his noble Friend (Lord Colchester) would find that he had made a contract which it was not in his power to perform. By this contract the noble Lord agreed that the sum of £105,000 per annum should be paid for certain services, out of the gross revenues of the Post Office, for fourteen years. That seemed to him (Lord Monteagle) to be a wholly indefensible proceeding; and he dared say his noble Friend was quite unconscious of the undertaking he had entered into without the authority or consent of Parliament. It might be said that similar contracts had been entered into in former times; and he believed that that was the only explanation the Government would have to offer. He (Lord Monteagle) should be the last person in the world to object to the present contract; only he contended that it ought to have been made in a proper manner. There was a Treasury Minute extant declaring that all contracts should be open ones; and indeed it was manifest that the whole system of contracts would become a mere delusion and a mockery if any restriction were placed upon the freedom of competition. He hoped that the result of this conversation would be to draw the attention of the lower House to an engagement which the Government had entered into in defiance alike of their own rules and of an Act of Parliament. He trusted that the House of Commons would exercise its just privilege, and would interpose between the Government and a violation of the law. In the early part of the Session the noble Earl (the Earl of Derby) was asked a question respecting a certain telegraphic scheme; and the noble Earl replied that the proposed contract was still a matter of negotiation. He said that a reservation had been made by the Government for the purpose of inquiry into the solvency of the company, and the benefits likely to be derived from the adoption of the route which had been proposed, and also for the purpose of securing the performance of the service in a satisfactory manner. No one hearing that statement of the noble Earl could for one moment doubt that the noble Earl's attention was awake to the difficulty of the transaction, and the importance of free competition. It had been said that contracts of the present kind were for the benefit of the shipping interest; but a worse blow could not be struck at the prosperity of that interest than for the Government to adopt the artifice—he might almost say the trick—of making contracts which were not open to the whole of the shipping interest, without exception, or which were liable to imputations of favouritism of any kind.

The Earl of DERBY said, he had failed to gather from the notice which his noble Friend had placed on the paper what was the precise ground of objection which he was likely to take to the contract. He understood now, however, that his noble Friend took a double ground. First, he complained that Parliament had not beforehand been put in possession of the nature and object of the contract—he objected, in short, that Parliament had no knowledge of the intention to enter into it; and he stated, further, that the contract had been entered into in violation of an existing Act of Parliament. Now, in order to substantiate his case, his noble Friend had three times over inserted in the contract a word which did not appear in it, and which made all the difference in the argument whether there had been a violation of the law or not. His noble Friend had stated that under an Act of Parliament (the 17th and 18th of the Queen) it was provided that the "gross" revenue of all the different public Departments must be paid into the Treasury, and that an estimate must be laid before Parliament for the sums which were required for the collection and management of the revenue. He (the Earl of Derby) admitted that this charge was one which was covered by the terms of that Act; but his noble Friend had stated that the contract was to be paid out of the "gross" revenue of the Post Office department. Now he (the Earl of Derby) did not know where his noble Friend had found this. He had looked into the contract, and he certainly could not find it there. It turned out that the payments were to be made not out of the 'gross-revenues' but out of 'the revenues' of the Post Office. Then, with regard to the character of the contract, in the first place no contract whatever would be valid if entered into contrary to the express provisions of an Act of Parliament. The circumstances under which the contract had been entered into were these. Two years ago an Act of Parliament was passed, authorizing the London and North Western Railway Company, the Chester and Holyhead Railway Company, and the Dublin Steam Packet Company to contract with Her Majesty's Government to perform certain duties, and the Government of Her Majesty to make certain payments. In pursuance of the provisions of that Act Her Majesty's Government, in September, 1857, entered into a contract *verbatim et literatim*, identical with that now on the table of the House, which contract was signed by Mr. James Wilson, Secretary of the Treasury under the late Administration, and a Minute of the Treasury then authorized the Postmaster General to carry into effect that contract. It was in pursuance of that Act of Parliament, of the contract in pursuance of that Act, and of the authority so given by the Treasury to the Postmaster General, that his noble Friend the present Postmaster General had put his name to the contract which had just been the subject of such strong comment from his noble Friend opposite. Parliament had authorized the Postmaster General to contract for making certain payments to railway companies for certain services; and he should like to know from what fund the Postmaster General was to make those payments except from the revenues of the Post Office? He had no other funds at his disposal than those belonging to the revenues of the Post Office; and he could assure the noble Lord that neither on the part of the late Government nor on the part of the present Government had there been a wish either to depart from the course laid down by the law, or to conceal the arrangements that had been made; on the contrary, although the arrangements which had been entered into were that the payments should be made by the Post Office, those payments could only be made in pursuance of an estimate to be submitted by the Treasury to Parliament, and of Parliament then voting such payments, and thus enabling the Post Office to perform their part of the contract. Parliament, then, had, in the first place, sanctioned the entering into the contract which was drawn up by the late Government, and signed by the present; it always had been, and still was, intended that the contract should be carried out by money to be voted by Parliament. The contract was to come into operation in June, 1860; and his noble Friend (Lord Monteagle) was now complaining that in 1859 the Government did not lay on the table the whole particulars of a contract entered into under the authority of Parliament, and for which it would not be necessary to expend a farthing of the Post Office revenues till an estimate had been laid before Parliament and voted in 1860. That was the plain state of things; and he did not think that his noble Friend had any right to complain that there was in this arrangement any violation, in letter or spirit, of the Act to which reference had been made, either on the part of the late Government or the present, or that any attempt had been made by either to saddle a public Department with a responsibility which rested with Parliament itself.

THE DUKE OF ARGYLL said, the contract had undoubtedly received the sanction of the late Government, and he remembered questions having repeatedly been put to him by various Irish Members as to the degree of progress which the late Government was making with it. He did not remember what were the words of the instrument, but if they were at all contrary to the Act of Parliament, they could only have been used by mistake, and that there was not the slightest intention on the part of the Government to expend the sum in question without submitting an estimate to Parliament. At the same time, he must confess that while at the head of the Post Office Department he felt that the state of affairs with regard to contracts of this description was most unsatisfactory. It was true that these matters came before Parliament, but it was not until the public faith had been pledged; and it was consequently exceedingly difficult for Parliament to exercise any practical influence over them. In this particular service he thought Irish Members had a very strong claim to the support of Government to their wishes; but generally speaking he could say that the packet service was not altogether entered into with reference to the business or convenience of the public service. Undoubtedly the Irish Members had a strong case; for they often came over at great personal inconvenience; but if his noble Friend was as free to speak as he was, he would no doubt say that these services were considerably overpaid, so far as they merely related to the Post Office. He did not think that the Act of Parliament, which the noble Lord had referred to amounted quite to a Parliamentary sanction of the present contract. It was a private Act, and it gave the companies power to enter into a contract with the Government; but Parliament, in agreeing to that, by no means pledged itself to approve of this particular contract. He felt, in the present state of the public expenditure, that it was most important not merely that the sanction of Parliament should have been given beforehand in this matter, but that in future the particular arrangement proposed by every Government should receive the sanction of the House of Commons, and that without that sanction the contract should not be signed. That was the only security they could have against undue influence being brought to bear on the Government, or against the public suspicion of such influence.

The Earl of HARDWICKE said, he did not agree with the noble Duke's last suggestion, which, it seemed to him, would defeat the very object for which tenders were invited from the public, namely, to secure the best services at the lowest cost. Now that the entire service was performed by private contractors, he thought it would be far better to leave the whole matter in the hands of the Post Office Department, who were best able to judge of the nature of the service required, and of the sum proper to be paid for it, and who should bear the whole responsibility of the arrangements.

Lord STANLEY of ALDERLEY said, he believed this contract was contrary to the Act of Parliament. The money ought to be paid out of the general revenues of the country. He was concerned to see the practice which had been growing up, and Ministers fixing the country with large amounts without the sanction of Parliament. It appeared that the Government had, of its own authority, and without the sanction of Parliament, made contracts with the Red Sea Telegraph Company and with another Company for conveying the mails between Galway and America, and with another for laying down a telegraph from the coast of Ireland to America. To say that there was a Parliamentary sanction to all this because a year afterwards the sums to be paid appeared in the Estimates, was absurd. He trusted that this matter would be taken into serious consideration. All contracts ought to be entered into subject to the approval of Parliament—not in a year or two, when they were called on to pay the expense, but no expense should be incurred until Parliament had given its sanction. The system which was now followed led to gigantic jobs, or to a suspicion of gigantic jobs, and ought at once to be abandoned.

The Marquess of CLANRICARDE thought that if the contracts for the postal services were made by the Postmaster General they would be made at a cheaper rate than they now were. The contracts were at present really made for other considerations than matters connected with the Post Office. As to the contracts between this country and Ireland, the main matter of the contracts was not to attend to the requirements of Post-office communications, but to the convenience of passenger traffic. Such also had been the case with regard to the Menai Bridge and the Bangor Bridge; and what was the ground on which we were building those enormously large vessels for the mail services? Why, nobody supposed they were intended to carry letters or newspapers. They were for passengers. The noble Lord who had just spoken seemed to forget that we were under a monarchical government, and that there must be some degree of responsibility left with the Government. And he recommended, as a preventive against suspicion of jobbery, what, perhaps, he did not know, was the American practice. But had the noble Lord never heard of "lobbying?" There was, however, a large expenditure going on without the control of Parliament; and for this, he thought, some check ought to be provided.

Lord COLCHESTER said, that the heads of the Irish contract were drawn up while the late Government were in office, and the Postmaster General was authorized to complete the arrangement. There was no intention of taking any money for these purposes from the Post-office revenues which had not been granted by Parliament. There would be no necessity for passing any money votes for the current year; but next year, he presumed, money would be wanted, and for which Estimates would be produced, and then the question would arise as to the Government fulfilling their contract. There was no intention of withdrawing the matter from the notice of Parliament. In regard to carrying the mails to foreign parts, that was arranged by the Admiralty, under the direction of the Treasury. On the whole he believed the contract was one that had been made for the public good, and that the money was fairly expended.

Lord MONTEAGLE repeated that this contract was contrary to law, and he trusted that Parliament would see to it. He believed, however, that the matter had arisen from copying an old form of contract. The whole revenue of the Post

Office ought to be paid into Her Majesty's Treasury, and Parliament should vote the expenditure of the Post Office. He believed that next Session they would have a Select Committee to inquire into the postal contracts and similar matters, and if his noble Friend could show that there was any danger of the American system of "lobbying" being applied here, he would then have the opportunity of doing so; but he could assure his noble Friend that no one could have a greater contempt for those proceedings than he had.

LORD REDESDALE having expressed an opinion that the objections taken by the noble Lord were trivial, the conversation dropped.

House adjourned at a quarter before Eight o'clock, till To-morrow half past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 11, 1859.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (Appropriation); Exchequer Bills (£13,277,400).
2° Convict Prisons Abroad.
3° Pauper Maintenance Act Continuance; Naval Medical Supplemental Fund Society Annuities, &c. Act Continuance.

PRIVATE BILLS.

Ordered, That the Promoters of every Private Bill which has been introduced into this House, or brought from the House of Lords in the present Session of Parliament, shall have leave to suspend any further proceeding thereupon, in order to proceed with the same Bill in the next Session of Parliament.

Ordered, That the Promoters of every such Bill shall give notice in the Private Bill Office, not later than the day prior to the close of the present Session, of their intention to suspend any further proceedings thereon; or in the case of Bills which shall have been suspended on the report of a Committee, or which having passed this House shall then be pending in the House of Lords, of their intention to proceed with the same Bill in this House in the next Session.

Ordered, That an Alphabetical List of all such Bills, with a statement of the stage at which the same were suspended, shall be prepared by the Private Bill Office, and printed.

Ordered, That, not later than three clear days after the next Meeting of Parliament every Bill which has been introduced into this House shall be deposited in the Private Bill Office, in the form required by Standing Order No. 166, with a declation signed by the Agent annexed thereto, stating that the Bill is the same, in every respect, as the Bill with respect to which proceedings have been so suspended, at the last stage of its proceeding in the House, in the present Session; and, where any sum of money has been deposited, that such deposit had not been withdrawn, together with a certificate of that fact from the proper officer of the Court of Chancery in England or Ireland, or the Court of Exchequer in Scotland, as the case may be.

Ordered, That such Bills, indorsed by one of the Clerks in the Private Bill Office, as having been duly deposited with such declarations and certificates annexed, be laid by one of the Clerks of that Office upon the Table of the House, in the next Session of Parliament, in the order in which they shall stand upon such List, but not exceeding 50 Bills on any one day.

Ordered, That in respect of every Bill so laid upon the Table, the Petition for the Bill, and the order of leave to bring in the same in the present Session, shall be read, and thereupon such Bill shall be read a first time; and a second time (if the Bill shall have been read a second time previously to its being suspended) and if such Bill shall have been reported by any Committee in the present Session, the order for referring the Bill to a Committee shall be dispensed with, and the Bill ordered to lie upon the Table, or to be read a third time, as the case may be.

Ordered, That in case any Bill brought from any part of the House of Lords in the present Session, upon which the proceedings shall have been suspended in this House, shall be brought from the House of Lords in the next Session of Parliament, the Agent for such Bills shall deposit in the Private Bill Office, prior to the first reading thereof, a declaration, stating that the Bill is the same in every respect, as the Bill which was brought from the House of Lords in the present Session, and where any sum of money has been deposited, that such deposit has not been withdrawn, together with a certificate of that fact from the proper officer; and so soon as one of the Clerks in the Private Bill Office has certified that such deposit has been duly made, the Bill shall be read a first time, and be further proceeded with in the same manner as Bills introduced into this House during the present Session.

Ordered, That all Petitions presented in the present Session against private Bills, and which stood referred to the Committees on such Bills shall stand referred to the Committees on the same Bills, in the next Session of Parliament.

Ordered, That no Petitioners shall be heard before the Committee on such Bill, unless their Petition shall have been presented within the time limited in the present Session.

Ordered, That in case the time limited for presenting Petitions against any such Bill, shall not have expired at the close of the present Session, Petitioners may be heard before the Committee on such Bill, provided their petition be presented previous to, or not later than, seven clear days after the second reading thereof in the next Session.

Ordered, That all Instructions to Committees on Private Bills in the Present Session, which shall be suspended previously to their being reported by any Committee be instructions to the Committee on the same Bills in the next Session.

Ordered, That the said Orders be Standing Orders of this House; and be *printed.*

GOLD IN INDIA.—QUESTION.

Mr. C. P. VILLIERS said, he would beg to ask the Secretary of State for India whether there is at present any restriction on the importation of Gold into British India, and whether the tender of Gold is lawful in payment of debt in that country; and further, if these restrictions exist, whether it is the intention of the Indian Government that they should continue.

Lord STANLEY replied that no restriction at present existed upon the importation of Gold into British India; but Gold in India was not a legal tender. The House was aware that the question whether Gold should be made a legal tender or not in India was one of considerable difficulty and complication; and he could not say that it was at present the intention of the Indian Government to make any change in that respect.

On the bringing up the Report of the Committee of Ways and Means,

FOREIGN AFFAIRS.—THE DISSOLUTION.

QUESTION.

Viscount PALMERSTON: Perhaps, Sir, the right hon. Gentleman the Chancellor of the Exchequer will allow me to ask him on this occasion whether he has yet made up his mind as to the day on which he proposes to make a statement as to the position of Foreign Affairs. He promised that either to day or to-morrow he would mention the precise time when he should be ready to do so. I may, perhaps, also take the liberty of asking if the Government have seen their way more clearly as to the precise time at which the dissolution of Parliament will take place, and whether prorogation and the dissolution will take place on the same day, or whether the dissolution will take place the day after the prorogation, and if not, whether a considerable interval, and what interval, will be suffered to elapse between the prorogation and the dissolution?

The CHANCELLOR of the EXCHEQUER: I propose to make a statement respecting the position of Foreign Affairs on Friday, as I think it will be most convenient that that day should be fixed for the discussion. With respect to the dissolution, and that "considerable period" which the noble Lord seems to apprehend that I said should take place, I beg to say that there never was any intention that a "considerable period" should take place between the prorogation and the dissolution. I anticipate that the prorogation may take place upon the Tuesday in next week; the dissolution certainly will not take place the same night, but as soon afterwards as we think consistent with that decorum which should be observed with regard to the period at which the prorogation will take place.

Sir GEORGE GREY: I rise in consequence of the enigmatical answer of the right hon. Gentleman. For the convenience of hon. Members on both sides of the House, I must ask the right hon. Gentleman to be more explicit, and to state whether, assuming that the prorogation should take place on the Tuesday, it is the intention of the Government to advise that the dissolution should take place before Good Friday, to which day, no doubt, the right hon. Gentleman's allusion to decorum has reference. No person of course could wish the dissolution to take place on Good Friday, but I would wish to know whether there is any reason why it should not take place before that day, say on Wednesday or Thursday.

The CHANCELLOR of the EXCHEQUER: I must say, in explanation, that the right hon. Gentleman is labouring under a misconception in supposing that there is any wish on the part of the Government for the dissolution not to take place as soon as possible. As far as I can form an opinion from the accounts which reach us as to the results of the coming dissolution, I see no cause for that rabid heat which animates the right hon. Gentleman. ["Oh, oh?"] I think it was a proper observation. I must decline doing that which no person in my position has been called on to do—to fix the very day on which the dissolution should take place; but it will take place as soon as seems proper after the prorogation, and probably, as we are at present advised, in the course of Passion Week. No one in my position has been called on to name the day in such a case, and I think no person holding my position ought to take upon himself the responsibility of mentioning the precise day. There is no wish, however, on the part of the Government to delay the dissolution beyond the times which on the whole they recognize as a proper interval after the prorogation.

Resolutions *agreed to.*

NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY ANNUITIES, &c., ACT OCNTINUANCE BILL.

THIRD READING.

Order for Third Reading read.

SIR HENRY WILLOUGHBY said, he wished to ask whether this was merely a continuance Bill. A most important clause relating to savings' banks had been inserted in a continuance Bill a day or two before.

SIR STAFFORD NORTHCOTE said, this was a mere continuance Bill.

MR. SOTHERON ESTCOURT said, he wished to state with reference to the clause alluded to by the hon. Member, that during the last twelve months institutions called Penny Savings' Banks had been very generally adopted, but as the law now stood such institutions could not invest their funds beyond the limit of £200 in ordinary Savings' Banks. The Government had, however, proposed such alterations in the existing law as would place the Penny Savings' Banks in this respect upon the same footing with Friendly Societies and other similar institutions. He was informed that the clause was much required and had inserted it under the belief that no objection was felt to it.

MR. BOWYER said, that as this was a Bill referring to the Navy, he hoped he should be in order in calling attention to the subject which he wished to bring before the House, relating to Greenwich Hospital. It appeared from the Report on the Manning of the Navy, that there were now a great number of vacancies in that establishment—no less than 960—which was sufficient to show that it was not popular with the navy, and that it did not give the satisfaction desirable to those for whom it was intended. He would not enter into matters of detail, but he wished to ask the First Lord of the Admiralty what measures the Government were prepared to take to place that noble establishment, which ought to be to them a subject of pride, on a better footing.

SIR JOHN PAKINGTON said, as the hon. and learned Gentleman had given no notice of his question, he could only give him a general answer. The report to which he had alluded contained a great deal of matter, and undoubtedly the representations with reference to Greenwich Hospital were not the least important points to which it referred. It was the intention of Her Majesty's Government to inquire into the condition of that noble institution, with the view of ascertaining whether any, and what, changes were necessary to increase its efficiency.

Bill read 3°, and *passed.*

RAILWAY TICKETS TRANSFER BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3.

MR. AYRTON said, he did not know whether the attention of the right hon. Gentleman the Home Secretary had been called to the language of this clause. In his opinion the offences to which it referred were defined in very vague and general terms, and every person who entered a railway train with a return ticket would be liable at any period of his journey, under the loose wording, to be apprehended and imprisoned by officers of railway companies. He would move as an Amendment to the clause that any railway company should issue any ticket for the purpose of being used by any person named thereon, with the words "not transferable," and that any other person who should use such ticket, or should sell or transfer it for the purpose of being used, or should alter the name thereon, should be guilty of the offence. It would be most improper to clothe a railway company with so large a power as was proposed, and allow their servants to seize any poor person travelling on the line and lock him up as they pleased, especially when it was remembered that a person thus treated would have no redress, unless he could show that the company had no reasonable ground for seizing him.

MR. SOTHERON ESTCOURT said, that undoubtedly the words of the Act were very wide, but the simple fact was that the offence of selling railway tickets had recently been one of continual recurrence, and it had been thought necessary that some precautions should be taken to protect the railway companies. At the same time it was very desirable they should not go beyond what the justice of the case demanded. Perhaps the best course would be for the hon. Member to give notice of and print his Amendments. If that were done, the Government would consent to postpone the Committee until to-morrow, in order to consider the substitution of the words proposed.

Sir HENRY WILLOUGHBY said, there appeared to be a power given, not only to the officials and servants of a railway company, but to all other persons, "to seize, apprehend, and detain." That was a very extensive and extraordinary power, and he trusted the hon. and learned Gentleman the Attorney General would consider the point with a view to its omission.

Colonel FRENCH said, he would appeal to the Government whether it was necessary that the Bill should pass at all, it having been understood that only measures of an urgent nature should be pressed.

Mr. EDWIN JAMES said, he thought his hon. and learned Friend the Attorney General could hardly have seen the provisions of this Bill. It was true that in one case it was discovered that a number of persons had conspired to procure excursion tickets at Brighton from persons who had gone down with them from London, for the purpose of selling them to others; but the case having been distinctly proved, the parties were very properly convicted and punished. If this Bill passed, however, a person who had innocently enough given his child, or relative, or servant, an excursion ticket would be liable to be seized and taken before a magistrate, and his name, probably, placarded all over the country, in the same manner as the names of parties who smoked in the railway carriages were. He certainly thought it would be advisable under the circumstances to withdraw the measure.

Mr. HENLEY said, the clause went further even than the hon. Member for Evesham (Sir Henry Willoughby) supposed. It empowered any railway servant or constable, or anybody else, to apprehend anybody charged with this offence at any time or in any place. Surely no one but a person connected with a railway could have drawn such a clause. Ordinarily, power was only given to seize anybody actually committing such offences, but railway companies under this clause might send a constable, fetch anybody out of this House, and lock him up as long as was convenient. There was certainly nothing in the Statute-book which could at all come near it. He trusted that the Bill would be amended in that respect, at all events.

Lord LOVAINE said, he must agree that the terms of the Act were certainly very large, but it must be remembered the provisions by which the railway companies were to be guarded were the very same as those inserted in the 104th section of the Railway Clauses Consolidation Act. Of course, if the Committee thought the Bill had better be postponed, for the consideration of the clause of the hon. Member for the Tower Hamlets, he should have no objection to the postponement.

Mr. AYRTON said, that in the Act referred to the offences dealt with were offences committed on the line of railway; but in the present instance the offence might be committed anywhere, because a railway ticket could be given away in any locality. As this was a Bill which had come down from the other House of Parliament he wished to treat it with every respect, but under the circumstances he felt he should be justified in asking the Chairman to report progress, in order to enable the Government to consider whether it would not be advisable to withdraw it.

Mr. Alderman SALOMONS said, he objected both to the power and the penalty created by this clause. Was the principle to be carried further? Were gentlemen to be made responsible who gave away the tickets on coming out of the Opera? The proper course to deal with persons offending in this way was to compel them to pay full fare, or in default to hand them over to a constable. He was surprised that a measure so lax in its provisions should ever have passed "another place."

The SOLICITOR GENERAL said, that he thought the history of this Bill was not clearly understood. What had taken place was this:—Several lines of railway had year after year given the public greater facilities for travelling, in the shape of return and excursion tickets, and it was very evident that they must discontinue that kind of accommodation if it became a source of loss to them from the manner in which parties dealt with the tickets. Under these circumstances, one or two railway companies who came to Parliament this year inserted clauses in their Bills for the purpose of checking the improper use of these tickets; but it was objected by the noble Lord who had charge of such Bills in "another place," that as the matter was one which concerned the public generally it ought to form the subject of a general measure, and accordingly this Bill was introduced in the House of Lords. He agreed with the hon. Member for the Tower Hamlets that it was impossible on any sound principle to allow any power of the kind asked for, except in cases where the tickets were marked on the back as not transferable. A party getting hold of a ticket so marked second-hand would at once know that he would be making an improper use of the ticket if he attempted to travel with it. He was therefore inclined to concur in any alteration which should confine this clause to tickets marked "not transferable;" but he thought if they went further and insisted upon having the name of the holder inscribed, it would be tantamount to saying that no excursion tickets should be issued by railway companies at all. As to the powers of apprehension, he admitted they were much too wide; but it must be remembered that, unless they gave the railway officials some power of immediate action, so as to enable them to stop a person on the spot, they would have but little chance of checking the abuse complained of. Under these circumstances he thought, after making an alteration confining the clause to cases of tickets "not transferable," and in some degree curtailing the larger powers which were given by the latter part of the provision, that it would even be for the interest of the public, as well as the railway companies, the Bill should pass without any further delay. With that view he quite concurred in the proposal to report progress, in order that the Amendment of the hon. Member for the Tower Hamlets might be considered.

COLONEL FRENCH said, the explanation of the hon. and learned Gentleman appeared to him to render it desirable that the Bill should not pass into law this Session. For any accommodation given by the railway companies to the public they largely consulted their own interests. By this Bill, however, if a person picked the pocket of another of an excursion ticket, the original holder, who was entirely innocent, would be liable to pnishment. This was certainly not consulting the interest of the public. He thought the Bill ought not be allowed to go a step further.

VISCOUNT PALMERSTON said, it was no doubt extremely desirable that the frauds complained of should, as far as possible, be prevented, and the offenders punished. He could not, however, help thinking that great difficulty would be experienced in proceeding in the matter as was proposed. Two or three hundred persons, for instance, might take return tickets to Brighton or any other place on the Saturday. James Thompson, or any other person, might return on the following Monday, and might or might not be the same individual who procured the ticket at London Bridge on Saturday morning. How, he should like to know, were the railway officers to be able to identify him? Great inconvenience and uncertainty would, in his opinion, be the result of the passing of the clause in its present shape, and it ought therefore, he thought, to be amended and due notice given of such alterations as it was proposed to introduce into it. Let him take, for instance, the case of theatres. A person on leaving a theatre during the performance received a cheque which entitled him to readmission if he pleased to return; was there any law in existence, he should wish to be informed, which precluded the occurrence of frauds in that respect? For his own part, he believed that although the principle of the Bill was right in the abstract, yet it could not be carried out without considerable annoyance, and that being his view of the case he should prefer seeing the remedy for the frauds which were said to exist left in the hands of the parties immediately interested.

MR. AYRTON said, railway tickets were issued generally to bearer, and not to any particular person, and, consequently, there could be no identity of any person. The railways were left free. They were not bonnd to do anything, or give notice of anything. He hoped the noble Lord who had charge of the Bill would review the clauses of it from beginning to the end.

COLONEL WILSON PATTEN was of opinion that if the offences against which it was meant to provide were not of common occurrence, it was better that the risk of their being committed should be allowed to continue than that it should be sought to prevent them in the manner proposed. The case of theatres, which had been adverted to by the noble Lord the Member for Tiverton, he did not think at all analogous to that of railway companies, and he was informed that it was a constant practice for persons to take return tickets to Brighton and there sell them at a cheap rate, thereby defrauding the company to a considerable extent. If that were so, then Parliament was bound to make some provision against such frauds being committed. While these were his views on the subject, however, he could not regard the Bill under discussion as having been drawn up in a satisfactory manner, inasmuch as he concurred with his right hon. Friend the Member for Oxfordshire (Mr. Henley) that under its operation, as it at present stood, anybody might seize on his neighbour, even at his own dinner table, on the charge of having committed a fraud.

ALDERMAN SALOMONS said, he thought it was the duty of the House to protect railway companies from being defrauded. At the same time a Bill of this kind ought not to be forced through the House in such haste. The Bill was so closely worded that even in the interest of the companies themselves the noble Lord would do well not to persevere with it. In his opinion some means should be provided for dealing with cases summarily, so that persons should not be locked up all night.

LORD LOVAINE said, the reason why the Bill had been introduced was on account of the frequent occurrence of the frauds it was intended to check, and he could not help remarking that a person accused of this offence would be in a similar position to any other person who was accused of an offence; it would be open to him to prove his innocence before a magistrate. As, however, it was certainly understood that no measures would be proceeded with except such as were of a pressing character, he thought it was inexpedient for him, under the circumstances, to proceed any further with this Bill. He would therefore consent to the right hon. Gentleman leaving the chair.

MR. AYRTON withdrew his Amendment.

House resumed. [No Report.]

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Tuesday, April 12, 1859.

MINUTES.] PUBLIC BILLS.—1ª Local Government Supplemental; Pauper Maintenance Act Continuance; Confirmation and Probate Act (1858) Amendment; Naval Medical Supplemental Fund Society Annuities, &c. Act Continuance.
2ª Superannuation; Public Offices Extension; Combination of Workmen; Indemnity; Nottingham Charities; St. James' Baldersby Marriages Validity; Municipal Elections.

THAMES WATERMEN AND LIGHTERMEN BILL.

RECOMMITTAL.

Order of the Day read.

LORD CAMPBELL moved that the Standing Orders be suspended in order that he might afterwards move that the Bill should be recommitted to the same Committee that had already reported on it. His reason for adopting this course was, that the House had made an order that the petitioners against the Bill should be heard; but he had since presented a petition from the same opponents complaining that they had not been heard; and whether they were to be heard or not was the question. This Bill, which originated in their Lordships' House, was for regulating the watermen and lightermen on the river Thames. There was an ancient Company of Watermen and Lightermen which had enjoyed certain privileges under successive Acts of Parliament from the time of Henry VIII. down to the reign of the Queen. It was sought by this Bill to deprive this ancient Company of its privileges, and these parties were the petitioners against the Bill, and whom the House had ordered should be heard. The Committee sat on the 29th of last month, when the case of the petitioners was opened, and evidence was tendered on their behalf. On the following day the Chairman announced that, having read the Reports from the Board of Admiralty and other public departments, they thought the promoters had made out so strong a *primâ facie* case for the Bill that the Committee had come to the determination not to proceed with the evidence in support of the Bill, but to enter upon the case of the opponents. That course was accordingly adopted, and on the 4th of this month the opponents gave evidence against the Bill; but afterwards, on the 11th of April, though there remained several witnesses to examine, and without hearing counsel, the Committee cleared the room, and afterwards announced that they had come to the conclusion that the preamble of the Bill had been proved. This appeared to be a very unusual and unfair course to pursue. The Waterman's Company was a very ancient one, and consisted of 6,000 members, and they were at least entitled to be fully heard before the Committee. There could be no disparagement to the Committee in saying that they had decided under mistake, and that the matter should be referred back to the same Committee for reconsideration.

Moved—That the Standing Order (No. 179, sec. 5) be dispensed with on the Bill.

THE EARL OF AIRLIE said, that in the absence of the noble Chairman he would endeavour to state to their Lordships the grounds upon which the Committee had arrived at their conclusion. In the first place he must be allowed to state that the opponents of this Bill came forward to defend a monopoly, and that therefore the *onus* of proof lay with them. The objections which had been urged against the decision of the Committee were two—first that counsel had not been heard; secondly, that witnesses in opposition had not been called. With regard to the first objection he could only say that if the public knew how little weight counsels' speeches had with a Committee, he was quite sure that neither the opponents nor the promoters of a Bill would incur the expense or the delay of employing counsel. When it was complained that counsel had not been heard, it became the duty of those who complained to show that the conduct of counsel themselves had been quite regular. But the fact was not so. When the Committee had heard the evidence in favour of the Bill, they called on the counsel of the petitioners to state his case. This he declined to do, stating that he should prefer to produce his evidence in the first instance. Some fourteen or fifteen witnesses were then produced to show that the navigation of the river Thames required peculiar skill. The Committee asked for evidence on some new points. Three other witnesses were produced; but their evidence went merely to the same point, that the navigation required skilled labour. If the Committee had declined hearing further evidence, it was with a view to save unnecessary expense; and as it was, he feared the Bill would hardly pass before the prorogation. The allegation in the petition respecting the security of life and property, he was prepared to meet with a direct negative; for all the regulations hitherto enforced by the watermen's Company would now be enforced by the Board of Conservancy of the Thames. The fact that a man was a freeman of the Waterman's Company was no proof that he could manage a lighter or wherry; for many obtained their freedom without having been once on board a lighter or wherry. The object of the Bill was to destroy the monopoly of this Company. It was said the Company was a nursery for the navy; but this was not the case; and as the Company did not fulfil the conditions on which its privileges had been granted, those privileges ought to be withdrawn. The Bill had been strongly recommended both by the Admiralty and the Board of Trade; and he hoped that it would be allowed to proceed.

LORD TEYNHAM vindicated the decision at which the Select Committee had arrived. The impression upon the minds of the Committee was that the counsel for the opponents gave up his cause and that he did not ask to be heard, and, therefore, of course was not refused. After the withdrawal of the learned counsel the Committee paid every attention to the case of the opponents and inserted clauses for their protection.

LORD KINNAIRD said, he would not go into the merits of the case; but he would ask whether it was regular to refuse to hear the counsel for the opponents? He thought it was most irregular. The noble Lord said that the proceedings of the opponents were irregular because they called their witnesses first, and then proposed that counsel should address them. There was nothing irregular in that; but if there was it was the duty of the Chairman to have called attention to the fact.

THE EARL OF AIRLIE: He did call attention to it.

LORD KINNAIRD said, however that might be there was nothing irregular in the course pursued by the opponents.

EARL DUCIE said, after all he had heard on the subject he was not satisfied that the Committee had erred in the matter, and he would now ask their Lordships whether it would be wise to put the promoters to the expense and inconvenience of another hearing. But if it were thought that there should be a rehearing of the case he for one would be very willing to sit on the Committee again.

THE EARL OF DONOUGHMORE said, the department with which he was connected had had the matter under its consideration, and was of opinion that it was entirely one of evidence and ought to be decided by a tribunal in the nature of a Select Committee, and not by a department of the Government. On the whole he was inclined to think that the Committee had erred in not giving a hearing to the counsel for the opponents of the Bill. Whenever he was on a Committee, and if it happened that he had made up his mind before the conclusion of the case, he felt it his duty to listen all the more patiently to all that could be said on the other side—though he must own that he seldom heard anything to alter or modify his first opinions. It was perhaps true that the opponents of the Bill had endeavoured unduly to pro-tract their case; but still he thought they had cause to complain, and it would therefore be better to send the Bill back again to the Committee, who might reconsider it and make a report before the prorogation.

Lord **VIVIAN** said, the Committee had given the Bill their fullest consideration and were guided in the conclusion to which they had come partly by the report from the Board of Trade, but much more by the evidence laid before them. When they called upon the opponents of the Bill to open their case, their leading counsel, Mr. Hope Scott, was not present, being engaged, he supposed, in some other Committee, and Mr. Serjeant Bellasis, who he supposed had not got his talk up, declined to go on as his substitute. The Committee then listened to no fewer than fourteen witnesses, including the master, the warden, and other officers of the Company, who all produced one and the same story, going over the same matters again and again *usque ad nauseam.* The Committee repeatedly called, through their chairman, for some fresh light upon the matter; none whatever was afforded them. The question then came to this—would they recommit the Bill to afford Mr. Hope Scott the opportunity of addressing them, as he happened to be elsewhere when it was the proper time for him to do so? If the House thought the Committee had erred in judgment, and that the Bill should be recommitted, then he must ask their Lordships to relieve him from serving on the Committee. It would be a great hardship on the promoters to recommit the Bill at all, but it would be a still greater hardship to the Committee to send them to rehear the case with the slur on their character that they had got tired of the case and would not hear all sides.

Lord **REDESDALE** said, that a chief consideration in this matter was the effect it would produce on the public at large as to the character of their Lordships' proceedings. It was impossible, after what they had heard from the members of the Committee, to doubt that the Committee had decided without hearing the counsel for the opponents, and he did not wonder therefore that they should have complained. At the same time he thought the noble Lord who had just sat down was quite right in declining to serve again on the Committee, and he thought after what had passed in the Committee it would be a mockery to send the Bill back again to that Committee at all. He would suggest that the Bill be recommitted, and that another Committee be appointed.

Lord **STANLEY** of **ALDERLEY** said, their Lordships had hitherto placed implicit confidence in their Committees, and had never, except under very grave and peculiar circumstances, interfered with any decision they had come to. It was obvious that great discretion must be given to those to whom their Lordships delegated its private legislation, as to the amount of evidence they might think fit to listen to on any particular point. In the present case it would undoubtedly have been better if the Committee had heard Mr. Hope Scott; and it would perhaps be prudent to refer the Bill back to them, in order that they might hear counsel on behalf of the opponents of the Bill.

Lord **REDESDALE** begged to disclaim any intention of throwing a slur upon the Committee, but undoubtedly he thought that to send the matter back to the same Committee would be only to ensure a confirmation of the decision already arrived at, and he did not consider it would be a slight or slur on the Committee to refer it to another one. It was in fact nothing more than like a motion for a new trial.

The Marquess of **CLANRICARDE** observed that the whole difficulty had arisen from the conduct of the counsel; and if the Bill were recommitted, it ought surely to be accompanied by a strong expression of their Lordships' opinion as to the extent to which Committees were to be subjected to the caprice of counsel.

The Duke of **SOMERSET** said, the question with which their Lordships had to deal was one of considerable difficulty. On the one hand they would be most anxious to uphold the character of their Committees; but, on the other hand, they would be no less anxious that the decisions of those Committees should enjoy the confidence of the public. He had himself had a very large experience on Committees of the other House, and it had always been his practice to listen with the utmost patience to all that could be said by that party of whose case he had begun to form an unfavourable opinion. At the same time it occasionally happened that the opposing party would try to defeat a Bill by delay; and a rule had been laid down by the Commons' Committee not to allow the same point to be proved by more than two or at most three witnesses. In the present case the Committee had been placed under a great disadvantage by not hearing an opening speech from counsel, to direct their attention to the salient points of the evidence. He therefore thought that the Bill should be recommitted; and without the least reflection on the Committee which had already sat and whose decision would very likely turn out to be right, he did not think it would be satisfactory, after what had passed to refer it back to the same Committee.

EARL GREY thought that as the Committee had fallen into the perhaps very natural error of not hearing counsel, the Bill ought to be recommitted. At the same time he could not agree that the noble Lords who had formed the old Committee were likely to be so prejudiced that it was at all necessary to send the case before a new one. To appoint a new Committee would moreover be most unjust to the promoters of the Bill, because their case would have to be begun again *de novo*, and they would thus practically be mulcted in a heavy sum for an error of which the Committee, and not they, had been guilty.

LORD CAMPBELL said, he regarded this Motion as very similar to what was well known in the courts of law, namely—sending back an award to be reconsidered by the arbitrator. That was his original Motion. But when he heard one member of the Committee say that the *onus* was entirely on the petitioners—an old established Company, with all the Acts of Parliament for their title—and another that his mind was made up, and a third that he had conclusively made up his mind, he (Lord Campbell) was disposed to change his Motion and move for a new Committee.

Motion *agreed to*. Said Standing Order, sec. 5, *dispensed with* accordingly.

Moved, That the Bill be re-committed; *agreed to*.

Moved, That the Bill be re-committed to the "same" Committee which reported on the Bill on the 11th instant.

LORD REDESDALE said, that after what had fallen from the noble Lords who formed the Committee it would be useless again to refer the Bill back to them, and he therefore should support the appointment of a new Committee.

On Question—Their Lordships *divided*:—Contents 13; Not-Contents 28: Majority 15.

CONTENTS.

Granville, E.
Grey, E.
Sydney, V.
Belper, L.
Chesham, L.
De Ros, L.
Overstone, L.
Ponsonby, L. *(E. Bessborough.)*
Somerhill, L. *(M. Clanricarde.)* [*Teller.*]
Stanley of Alderley, L. [*Teller.*]
Sundridge, L. *(D. Argyll.)*
Wodehouse, L.
Wycombe, L. *(E. Shelburne.)*

The Duke of Somerset

NOT-CONTENTS.

Cleveland, D.
Marlborough, D.
Norfolk, D.

Bath, M.
Exeter, M.

Carnarvon, E.
Graham, E. *(D. Montrose.)*
Harrington, E.
Leven and Melville, E.
Lonsdale, E.
Rosslyn, E.
Saint Germans, E.
Stanhope, E.

Dungannon, V.
Gough, V.
Hutchinson, V. *(E. Donoughmore.)*
Strathallan, V.

Campbell, L. [*Teller.*]
Churchill, L.
Colchester, L.
Colville of Culross, L.
De Tabley, L.
Downes, L.
Kingsdown, L.
Redesdale, L. [*Teller.*]
Rossie, L. *(L. Kinnaird.)*
Wensleydale, L.
Wynford, L.

Resolved in the *negative*. The Committee to be named by the Committee of Selection.

MEDICAL ACT (1858) AMENDMENT BILL.

COMMONS' REASONS CONSIDERED.

Commons' Reasons for disagreeing to one of the Amendments made by the Lords *considered* (according to Order).

LORD WENSLEYDALE moved that their Lordships do not insist on the said Amendment, of which the Commons disagreed.

THE EARL OF CARNARVON said, he was quite prepared to accede to the Motion, though he did not think the whole of the objections stated by the Commons were very conclusive. Delay in the passing of this Bill would, he understood, be very prejudicial. If cases of hardship were proved there was no reason why they should not be dealt with by another measure introduced in a subsequent Session. The measure of last year provided for the registration of medical practitioners, and the original object of this amended Bill was to change the period of such registration. Since it was first brought in, however, one or two other Amendments have been engrafted upon the Bill, which it would perhaps have been better to omit.

On Question, Whether to insist?

Resolved in the *negative*; and a Message sent to the Commons to acquaint them therewith.

COMBINATION OF WORKMEN BILL.

SECOND READING.

Order for the Second Reading read.

THE EARL OF AIRLIE, in moving the

second reading of this Bill, stated that it was intended by it to amend and explain the Act of the 6 *Geo.* IV. There had been some doubt as to what constituted an obstruction within the meaning of that Act; and, indeed, there had been contradictory decisions upon the matter. That point was dealt with by the present measure, which had met with general concurrence in the other House, and which he hoped their Lordships would agree to.

The Earl of DONOUGHMORE had no objection to the Bill; and, in fact, it was only fair that workmen should know distinctly what was penal and what was not.

Bill read 2ª and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at half-past Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS

Tuesday, April 12, 1859.

Minutes.] Public Bills.—1° Vexatious Indictments; Clearance Inwards and Lien for Freight.
2° Consolidated Fund (Appropriation); Exchequer Bills (£13,277,400.)
3° Local Government Supplemental; Confirmation and Probate Act (1858) Amendment.

THE CASE OF CAPTAIN CARNEGIE.

OBSERVATIONS.

Sir JOHN PAKINGTON said, he rose to request the right hon. Baronet the Member for Marylebone, when he asked the question of which he had given notice respecting Captain Carnegie and the Board of Admiralty, to conclude his remarks with a Motion, so that other Members might have an opportunity of addressing the House if so disposed, and he (Sir John Pakington) might not be limited to a categorical answer.

Sir BENJAMIN HALL said, he had intended to conclude with a Motion, so as to allow the right hon. Baronet to make any statement which he might think proper to the House; but on consulting with Mr. Speaker he found that it would be better to bring forward the subject on the Motion for the Second Reading of the Consolidated Fund Bill, which was the fourth Order of the Day, and would come on in the course of a few minutes.

CONSTABULARY IN THE COUNTY OF LIMERICK.

QUESTION.

Mr. MONSELL said, he wished to put a question to the Secretary to the Treasury with reference to a sum of money which the county of Limerick has illegally been compelled to pay on account of its extra Police Force. He wished to know whether it is intended to take a Vote for the purpose of repaying it to the county?

Sir STAFFORD NORTHCOTE said, he did not think the opinion of the Law Officers went to the extent that any particular sum had been illegally levied. The question arose with reference to the charge for the constabulary. Under the Act of 1846 the charge of the ordinary establishment was borne by the Consolidated Fund; but if an extra force was required by the local magistracy, the charge was divided between the Consolidated Fund and the county rate. The magistrates contended that when the entire force was not up to the maximum, the Consolidated Fund ought to bear a larger proportion of the extra charge. The Law Officers of the Crown were of opinion that it ought to be so in future. The Treasury did not think the county had any equitable claim to be refunded anything already paid, and therefore did not intend to propose any Vote for that purpose.

THE LORDS OF THE ADMIRALTY.

OBSERVATIONS.

On the Motion for the Second Reading of the Consolidated Fund (Appropriation) Bill,

Sir BENJAMIN HALL rose and said, I can assure the right hon. Gentleman the First Lord of the Admiralty that I should not have put on the notice paper the question with which I mean to conclude, without affording him a full opportunity of making any statement with respect to it which he may desire. With this view I had proposed to move the adjournment of the House, but feeling that that is always an inconvenient course to adopt—except, indeed, in cases of great importance like the present—I was glad to find that an opportunity was afforded of bringing forward this subject on the Motion now before the House. It will be in the recollection of many Gentlemen who were Members of the House in 1853 that I then felt it my duty to move for a Committee for the purpose of inquiring into the conduct of the Admiralty at the general election of 1852, which took place at that time, when the Parliament was dissolved by Lord Derby. After a very long discussion, the House unanimously agreed to the Motion I made, and the Committee was appointed. It sat for a long time, being presided over by the present Duke of Somerset, and the names of the Committee were agreed to on both sides of the House. In addition to the noble Lord who presided, Lord Hotham, Mr. Beckett, Sir H. F. Davie, and myself, were members of the Committee. We made as full, and as searching an inquiry as we possibly could into the manner in which the elections had been interfered with by the Board of Admiralty, and the Committee came to a unanimous report, which was strictly condemnatory of the proceedings of the Board of Admiralty of that day. I merely mention this circumstance as a reason for my bringing forward this subject at the present moment, and I hope the House will favour me with attention for a few minutes while I state the circumstances under which I am induced to put a question to the First Lord of the Admiralty. The Board of Admiralty consists exclusively of the First Lord, of four Naval Lords, and one civillian. The four Naval Lords are Admiral Martin, Sir R. Dundas, Sir Alexander Milne, and Captain Carnegie. Sir R. Dundas and Sir Alexander Milne were Lords of the Admiralty under the former Government. Captain Carnegie was appointed by the present Government, and Mr. Lygon was recently appointed when the noble Lord (Lord Lovaine) went to the Board of Trade. It is extremely difficult for any person not connected with the office, the conduct of which is brought into question, to know the exact facts of the case, but, as far as I can learn the circumstances from current report, and from information which I have received, it appears that Sir R. Dundas was sent for by the First Lord of the Admiralty, and was desired to stand as a candidate for a particular borough—I believe it was Dover —but be that as it may, the gallant officer declined to do so. He was urged again by the right hon. Gentleman, and again declined, and on being pressed further he tendered his resignation. After that, or at the same time, Captain Carnegie, the junior Naval Lord of the Admiralty, was sent for, and was urged to do the same thing, and that he also was desired to go down to Dover. I understand also that that gallant officer had employed a confidential officer, or that some other person had employed one for him, and that that agent reported to Captain Carnegie as to what would be his chance if he went down to Dover as a candidate for the representation of that place. The confidential agent reported that there was little or no chance for Captain Carnegie. Nevertheless he was still urged to go down, and he declined, and after an interview—of course I cannot say exactly what took place at that interview with the First Lord, but I understand that the gallant officer stated that he could not, consistently with his own feelings of what was right, continue in his office as a Lord of the Admiralty. Therefore, he desired to resign. I have received a telegraphic communication to-day from Captain Carnegie. It appears that he had seen or read the notice which I gave last night, and he alludes to the word "dismissal" in it. The words which I used in my notice were, "To ask the First Lord of the Admiralty whether he will have any objection to state to the House the reasons which have led to the dismissal or the retirement of Captain Carnegie from the office of one of the Lords of the Admiralty?" Captain Carnegie has sent me a telegraphic message from Mallow, in which he says, "I was not dismissed; I tendered my resignation solely in consequence of a difference of opinion"—now mark!—" as to the selection of the place which I could hope to represent." I understand my gallant Friend to have intimated that he was perfectly ready and willing to stand for a place where he saw a chance of success; but he objected to go to Dover, because he did not believe that he would be a successful candidate there, unless he resorted to practices which he disapproved of. He was, however, pressed to go there. and I think, if this statement is correct, that my gallant Friend could not have pursued any other course consistent with his character and honour, than say that he would not go to Dover unless he could see something like a prospect of success. However, my gallant Friend resigned, and is no longer a Lord of the Admiralty. Now, we have disposed of two Lords of the Admiralty. Then came the difficulty of filling up these vacancies. I understand that Sir W. Hoste was sent for, and that Dover was paraded before him. A telegraphic message was sent to Dover to say that he intended to stand for the representation; but he declined to do so, and therefore he is not a Lord of the Admiralty. It turns out, consequently, that however desirable a man may be considered as regards the services he can give to the Government in a great department of this kind, he is not to sit at the Board of the Admiralty unless he will consent to do the bidding of the First Lord, and go down to Dovor. Now we come to another case. Admiral Mundy was sent for, and I have heard that the same tempting bait of Dovor was presented to him. He declined, he would not go to Dovor at any price, not even the price of a seat at the Admiralty, so he was disposed of. Another gentleman was sent for—Sir T. Herbert. I do not know whether he was required to go to Dovor, but he has gone to Dartmouth. Whether he is a Lord of the Admiralty remains to be seen. I believe he is not, although he may have been offered the appointment; but if he is a Lord of the Admiralty, which I do not believe, although one seat at the Admiralty was filled up, another seat remained vacant. Sir Henry Leeke was sent for. I do not know whether Dovor was offered to him; but, at all events, he was sent to Devonport. Now, Devonport is a very good place to which to send Sir Henry Leeke. He has very near connections there, one of whom is one of the largest Government contractors in the country. Sir Henry Leeke was sent, then, to Devonport; he felt his way; he was rather disappointed; he did not meet with the support he desired; and, I understand, that if he did not go among the dockyard labourers, information was sent to him that they would not support him, because he was connected with a Government which intended, by one of the clauses of its Reform Bill, to disfranchise them all. But I have another communication to make to the House, which I received to-day, and to which I beg their particular attention. Before doing so, I wish to say to the right hon. Gentleman (Sir John Pakington) that if Sir Henry Leeke will, upon his own responsibility, declare that the statement I am about to make is incorrect, or if the right hon. Baronet will in his place declare that there is no truth in it, I will give the right hon. Gentleman the names of the parties from whom I have received the information. I think that is a fair proposition. The statement I have received is in these words:—"On Saturday last Sir Henry Leeke wrote to certain outfitters at Devonport, that he was made a Lord of the Admiralty; that the understanding between him and the Government was, that he should contest Devonport; and he promised, if successful, that Devonport should have a share of the cadets and other perquisites now monopolized by Portsmouth." It appears that Sir Henry Leeke went down to Devonport; but, notwithstanding the assurance which, from my information, I presume he gave, his reception was not sufficiently favourable to induce him to remain there. He came back, and he may have reported himself to the First Lord of the Admiralty as having been unsuccessful. Dovor again flitted before the eyes of the right hon. Gentleman opposite, and Sir Henry Leeke was sent down to that borough as a Lord of the Admiralty. [Mr. OSBORNE: Hear, hear! *and laughter.*] Now, I have alluded to two of the naval Lords of the Admiralty—Sir Robert Dundas and Captain Carnegie—but there are two other naval Lords, one of whom is Admiral Martin. I am informed that Admiral Martin either tendered his resignation or expressessed his desire to do so. I am informed that as soon as he was aware that his colleagues were to go, and was acquainted with the arrangements about to be made by the First Lord for filling up the vacancies, believing that those arrangements would be inconvenient to the public service, like a man of high character and honour he thought it would be most consistent with his duty to retire from the Admiralty, and I hear that he also tendered his resignation. I have not referred to that circumstance in the question of which I gave notice. I was not aware of it at the time I gave the notice; but it is so completely a matter of fact, that no notice was requisite, and I am sure the right hon. Gentleman will be able to inform me whether the information I have received on this point was correct or not. If it be correct, matters become serious, or, to use a word which we have read lately in an address, "critical." Three naval Lords either have resigned or have expressed their desire to resign, Admiral Martin, Sir Richard Dundas, and Captain Carnegie. I am informed, however, that Admiral Dundas was requested to retain his office, and that Admiral Martin was pacified in some way or other, I know not how, and that he remains at the Admiralty. Captain Carnegie has gone; but there is another complication in this affair. I understand that Admiral Bruce was sent for, and that he made his appearance at the Admiralty, possibly expecting that he was to have a seat at the

Board; but, in consequence of the arrangements which had been made, poor Admiral Bruce was obliged to return without anything satisfactory resulting from his journey to London. Now, if there is any truth in the statements I have submitted to the House—and I have endeavoured to obtain the best information I could gain on the subject—it appears that the whole service of the navy is to be thrown into confusion because the Naval Lords will not do the bidding of the First Lord of the Admiralty with regard to contesting the representation of certain boroughs. It appears that other naval officers were invited to fill the vacancies at the Admiralty, but that they, too, were rejected, because they would not contest what they regarded as objectionable places. It appears that Captain Carnegie, who is one of the most able, intelligent, and gallant officers in the service—a man in the prime of life, and able to devote the whole strength of his mind and body to Her Majesty's service—was displaced from the Admiralty because he would not go down to Dovor, and was replaced by an officer who is more than seventy years of age, merely because that officer would act up to the dictates of the First Lord. What, then, is the state of the Board of Admiralty when we are, perhaps, on the eve of a war? At a time when the whole attention of officers in that department ought to be devoted to the public service, they are sent scampering over the country, to Devonport, Dovor, and other places. I say that, instead of placing the Naval Lords in such a position, it would have been much better if they had been desired, or rather requested, to remain within the walls of the Admiralty, and to devote their time and attention to Her Majesty's service, or to visit the various dockyards, to see what improvements can be effected, and to place our establishments in such a state of preparation that in case the evil day should come we may be able to meet any force that may be directed against us. I can only add, that I have brought this subject before the House as a matter of public duty; and, in doing so, I have followed up the course which I took in 1853. I may be mistaken in the statement I have made, but I can assure the right hon. Baronet and the House that I have received it on what I believe to be good authority. I have refrained from making much comment upon that statement, and I now leave it to the right hon. Gentleman to offer any explanation he pleases. I assure him that I shall be glad if he can inform the House that much of what I have stated is erroneous, and I only hope he may be able to give some assurance to the House and to the country that these naval Lords are not to be sent travelling all over the kingdom to look out for seats in Parliament, but that they will devote their attention to those interests which ought to be especially guarded at this critical period. I beg to ask the First Lord of the Admiralty whether he will have any objection to state to the House the reasons which have led to the dismissal or the retirement of Captain Carnegie from the office of one of the Lords of the Admiralty, and whether Sir Richard Dundas also tendered his resignation, and has since been induced to remain at the Board; and the name or names of the officers appointed to fill the vacancy or vacancies.

SIR JOHN PAKINGTON: Sir, I must beg, in the first place, to express very great doubt whether such questions as those which the right hon. Baronet has just addressed to me are questions which in strict propriety ought to be put in this House. I think the terms in which the right hon. Gentleman has shaped his questions show that he himself entertains some doubt on this point, for, according to the phraselogy of his notice he asks whether I "have any objection" to answer the questions. We all know that in the formation and conduct of Government communications must of necessity take place between Her Majesty's Government and individuals which are perfectly fair and honourable in themselves, but which are not intended to be, and which ought not to be, the subject of public questions and discussions in this House. Having thus guarded myself against acquiescing in the propriety of such questions, I beg distinctly to say that so far as I am concerned in this case, I not only have no objection to answer the questions of the right hon. Baronet, but I am very glad that he has afforded me the present opportunity of answering them. Now, Sir, before proceeding to give a distinct answer to the particular inquiry which has been made, I think it right to remind the House of the fact, that for a very long period of time successive Administrations have felt it to be, not their interest—it rests upon higher grounds—but their duty that some of the naval members of the board of Admiralty should occupy seats in the House of Commons, in order that they may be able to touch upon those professional subjects and to answer those professional inquiries which we all know are frequently from time to time brought under notice in this House. I have looked back as far as the year 1819, and I find that from that period there has not been one Board of Admiralty previous to that of the present Government which has not had always one, sometimes two, and frequently three of their Naval Lords occupying seats in this House. Viscount Melville had for some years one, but for many years two, in the House. Sir James Graham in 1830 had two; Lord Auckland in 1834 three, and in 1835 two; Lord Minto sometimes two, but in 1837 and 1841 three; Lord Haddington in 1831 two, and in 1844 three; the Earl of Ellenborough in 1846 three, Lord Auckland in 1846 two, and in 1847 three; Sir Francis Baring in 1849 three, and in 1850 two; the Duke of Northumberland in 1852 two; Sir James Graham in 1853, and throughout the remainder of his administration, one; and Sir Charles Wood, from 1855 to 1857, one—namely, Sir Maurice Berkeley. In 1857, when Parliament was dissolved on the advice of the noble Viscount opposite, Sir Maurice Berkeley lost his seat for Gloucester, and during the short Session which followed—from the month of February last year up to the period when the present Government took office—this was the first time for forty years in which any Board of Admiralty were without Naval Lords in this House, When the present Government was constituted, at the end of February, 1858, I felt that, as all previous First Lords of the Admiralty had had Naval Lords in the House of Commons, it was most desirable that I should receive similar assistance. I accordingly requested an hon. and gallant Friend of mine who now sits in this House to accept a seat at the Board. Much to my regret that proposal wos declined. I then constituted the Board in a manner the general efficiency of which has always been acknowledged, though it was subject to the serious disadvantage that none of the Naval Lords had seats in Parliament. Sir, the House cannot have forgotton to what an unusual extent its attention has been occupied during last Session and up to the present time by discussions upon naval affairs, and notwithstanding the great and known competence of my right hon. Friend the Secretary to the Admiralty (Mr. Corrie), I have felt, and very painfully felt upon these questions, the great disadvantage—not, I say again, a party or a personal disadvantage, but one affecting the highest interests of the public service—under which I have laboured in having to contend with statements from my noble and gallant Friend the Member for Sandwich (Lord C. Paget), from the gallant Admiral Sir Charles Napier the Member for Southwark, and others, without having upon these subjects the profesfessional assistance in this House which, as a civilian, would have been so valuable to me, and which every one of my predecessors for forty years past has enjoyed. Under these circumstances, Sir, it was my intention and my wish, with the full concurrence of my colleagues, to avail myself of the first opportunity which might arise to endeavour to terminate this serious inconvenience. An opportunity offered itself a few weeks ago, when a vacancy occurred at the Board by the appointment of Captain Drummond to the command at Woolwich. Upon that occasion I sent for Captain Carnegie, and in a personal interview requested him to accept the vacant office; but I told him at the time of the serious disadvantage to which I found my Board exposed by having none of its naval members in the House, and I asked him frankly whether he would accept the vacant seat with a clear and distinct understanding that he was willing to enter Parliament whenever he might be required to do so by the Government for any fairly eligible seat. Captain Carnegie requested forty-eight hours to consider this proposal. So far as I remember the offer was made to him on a Saturday. Everything that passed was of a verbal nature—nothing was taken down in writing, and I am now very sorry for it. He requested to be allowed to give his answer on the Monday, and on that day he came to me, told me he had considered my proposal, and the condition with which it was accompanied, and that he should be happy to accept my offer. Wishing that there should be no misunderstanding, I upon that occasion repeated to Captain Carnegie in plain terms the condition which I considered requisite with a view to the public service—namely, that a naval member of the Board should, if possible, be in the House of Commons, and again did Captain Carnegie distinctly accept the offer with this condition annexed. He accordingly joined the Board; and nothing more passed upon this subject until, when the Government decided to advise the dissolution of the present Parliament. I as a matter of course—and I do not think the right hon. Gentleman can blame me for so doing—reminded Captain Carnegie of the undertaking into which he had entered, and, so far as I can recollect, I mentioned to him I think three, but certainly two seats where, as well as I could judge, he would have a very fair chance of success, and which, I said, he would oblige the Government by contesting. To my surprise Captain Carnegie showed upon that occasion a hesitation which I could not understand. For two succeeding days he showed not only hesitation but vacillation, and at the close of two or, I think, three days, he made known that he did not intend to fulfil the condition on which he had taken office. It is unnecessary for me to say that in intimating this intention Captain Carnegie offered his resignation, and I think it is still less necessary to add that I at once and immediately accepted that resignation, But, Sir, I told Captain Carnegie on that occasion that so to offer his resignation, at the eleventh hour as I may say, was in my opinion by no means a compensation for his breach, as I considered it, of the arrangement into which he had entered. Now, I will not undertake anything so painful as to impute to a gentleman of Captain Carnegie's high social and professional standing that he deliberately and intentionally violated an honourable understanding. There may be some explanation of the circumstances which is satisfactory to his mind, but I am bound to say that I am unable to reconcile the course which he took with the honourable engagement into which he had before entered with myself. The right hon. Gentleman (Sir Benjamin Hall) in the course of his reference to Captain Carnegie proceeded to advert to circumstances which I confess seem to me to have very little to do with the questions which he put to me. He spoke of a rumour that I had offered the vacant seat to Sir William Hoste, and afterwards, I think, to Admiral Mundy. I shall pass over this part of what has fallen from him with the simple remark that, a seat at the Board being vacant, it was absolutely necessary to fill it. I wished that the gentleman appointed should also consent to enter Parliament, and whether one officer or another accepted or saw reason to refuse the vacant seat is matter into which I really think neither the House nor the right hon. Gentleman has any sort of right to enter. I have thus explained the exact circumstances connected with the case of Captain Carnegie. I will now, with the permission of the House, give a similar explanation as to Sir Richard Dundas. As soon as it was decided that Parliament should be dissolved, I had a conversation with Sir Richard Dundas, and spoke to him of that disadvantage to which I have already referred, of having none of the naval Members of the Board of Admiralty in the House of Commons. I mentioned to him, I think, some two or three seats for which I thought, if he were disposed to enter Parliament, he would be likely to be elected, and I requested him to consider for twenty-four hours whether he could comply with the suggestion thus made. The next day Sir Richard Dundas came back to me, and the language which he then held was similar to that which he made use of to me on a similar occasion several months before. What he said was this, that he was not, upon full reflection, willing to endeavour to enter Parliament for any of the seats I mentioned to him, but that he recognized broadly and entirely the public necessity which existed for the presence in the House of Commons of some one or more of the naval members of the Board of Admiralty. Indeed, he went further, for he stated that he was of opinion he had no right, if he declined to enter the House of Commons, to stand in the way of that being effected, the necessity of which he distinctly admitted, and begged I would not allow any feeling for him to prevent me from filling up the number of naval members of the Board with officers who would come into Parliament. He added that his wish was that no loss or difficulty should occur in the matter, and that therefore his seat at the Board was entirely at my disposal. Such, in a few brief words, was the nature of my interview with Sir Richard Dundas on this subject, and so strongly did I feel the necessity on public grounds of having a naval member of the Admiralty in this House that I am not in the least disposed to deny that, although I confess I arrived at that conclusion with great regret on personal grounds, it was my intention to avail myself of the offer which was in so handsome a spirit made to me by Sir Richard Dundas. and to accept his resignation, with a view of placing some naval officer at the Admiralty who would be willing to enter the House of Commons. A few days ago, however, circumstances of a public nature, but to which I do not feel I am at liberty to advert more in detail—circumstances I may, nevertheless, say which are wholly unconnected with party politics or anything approaching to electioneering matters—occurred which caused me to feel very strongly that it was not desirable at this moment that the Admiralty should lose the services of so distinguished an officer as Sir Richard Dundas. I therefore submitted to him this view of the case, and expressed my wish not to avail myself of his offer to resign, and my desire to retain his services at the Board. To my representation upon that head Sir Richard Dundas acceded, and he still remains a member of the Admiralty. I am anxious to add with respect to that gallant officer —and I do so in justice to my own feelings on the point—that throughout the whole of the communications which took place between us his conduct was marked by that zeal for the public service and that high sense of personal honour which always have distinguished, and I am sure always will distinguish that gallant officer. I beg to state, further, that those communications have not interrupted even for a single moment that friendly feeling which I am happy to say has subsisted between Sir Richard Dundas and myself ever since my accession to the office I have now the honour to hold. I have now explained the whole of the facts of the case so far as he is concerned; but the right hon. Baronet has also asked whether the seat at the Board which was rendered vacant by the retirement of Captain Carnegie has been filled up, and, if so, by whom he has been succeeded. I have to state in reply that Captain Carnegie's seat has been filled up, and that his successor is Rear Admiral Sir Henry Leeke. Now, the right hon. Baronet has brought forward what he seems to regard as a very serious charge in connection with this matter. He says that he has received some information to the effect that Sir Henry Leeke told some outfitters at Devonport that there was an understanding between him and the Government that he should contest that borough, and that he promised, in case he succeeded in being returned to Parliament, that Devonport should have a share of the cadets and other perquisites which are now monopolized by Portsmouth. Now, in the first place, I must say, in answer to the charge made upon this ground that I do not at all know what is meant by the word "monopolized" as applied to cadets. The expression "a monopoly of cadets" is perfect nonsense, come from what quarter it may; and as to the "perquisites," I can only say that I do not, even at this moment, know in what they consist. The point for me, however, to consider is what part I, as a Member of the Government, took in this matter; and it is one in reference to which I am prepared to give this plain, broad, and distinct answer—that I have not, up to the present moment, had one word of communication upon this subject with Sir Henry Leeke; that if Sir Henry Leeke has promised cadets to the electors of Devonport he cannot give them, and that the "perquisites" which have been alluded to have, so far as I know, no existence. If Sir Henry Leeke, in short, has used the language which has been attributed to him, I can only say that it is language which has not been authorized by me, either directly or indirectly; and if he has made any promises to the people of Devonport of any sort whatever, I can assure the House, on my honour, that I have nothing to do with them. The next statement of the right hon. Gentleman was, that Sir Henry Leeke, finding he could not get on well at Devonport, had reported himself to the First Lord of the Admiralty, and then had gone on to Dovor. Upon that point, again, I beg to say that the right hon. Gentleman has been entirely misinformed. Sir Henry Leeke, it appears has left Devonport and has gone to Dovor, but I have no knowledge of why he did so. I did not know even that he had done so, until I heard, greatly to my surprise, that he was at Dovor, and I can assure the right hon. Gentleman and the House that *in transitu* from Devonport to Dovor Sir Henry Leeke did not report himself to the First Lord of the Admiralty. I shall now proceed to make a few observations in reply to a statement which was not alluded to in the remarks which the right hon. Gentleman has made, but which I have heard currently made elsewhere. I refer to the statement that I not only invited Captain Carnegie and Sir Richard Dundas to get themselves returned to the House of Commons, threatening them with expulsion from the Admiralty in case they refused to accede to the suggestion, but that I made a similar request, and uttered a similar threat in reference to the third member of the Board. [Sir Benjamin Hall: No.] I did not say that the right hon. Gentleman had made such an accusation, but it was broadly stated elsewhere.

I have endeavoured to make a plain and candid statement with respect to what has been termed the compulsion used towards Captain Carnegie and Sir Richard Dundas, and I now beg to assure the House that there is no truth whatever in this rumour, and that I had no communication whatever with any third Member of the Board with regard to Parliamentary matters. The right hon. Gentleman alluded, among other things, in the course of his remarks to the report of the intended resignation of Admiral Martin; and, as he has done so, I may mention that it is true that Admiral Martin did express it to be his intention to resign his seat at the Admiralty. It is, however, also true that the expression of that intention had nothing whatever to do with a seat in Parliament, or anything connected with it, the fact being, that it was founded on considerations solely of a personal nature, into which I do not feel myself at liberty to enter. It is sufficient for me to state, that having had a conversation with Admiral Martin, he revoked the expression of the intention to which I have referred. Sir, I have now stated as fully as I could, and without any reserve, all the information I have it in my power to give the House with respect to the two important points embraced in the questions of the right hon. Baronet opposite, and having answered the inquiries which he has addressed to me, I feel there is nothing connected with these transactions of which I have any reason to be ashamed, or that I need have any hesitation in avowing my share in them, either here or elsewhere in the most public manner.

ADMIRAL DUNCOMBE said, that as he had been alluded to by the right hon. Gentleman who had just spoken, he felt called upon to trespass for a few moments on the attention of the House. It was perfectly true, as had been stated by his right hon. Friend (Sir John Pakington), that on the present Government succeeding to office, he did him the honour—if honour he might call it—of offering him a seat at the Board of Admiralty. He said, "honour if he might so call it," because whether intentionally or otherwise, the offer was conveyed under circumstances which totally precluded him from accepting it. He held that it was the duty of every man in either the naval or military professions to give his services to his country whenever he could do so with honour; and he would have accepted the seat offered to him at the Board of Admiralty if he could have done so with honour and dignity. The fact of the matter was this:—In 1852, when he sat for a short time at that Board, he did so filling the office of civilian lord. Between that time and the period at which the present Government succeeded to office last year, he was promoted to a higher rank in the naval service, and therefore he could not consent to take a subordinate place at the Board of Admiralty—which was that offered to him—and serve under a junior officer. It was on that ground, and that ground alone, he declined to accept the offer of his right hon. Friend. He had never breathed a syllable on the subject to a human being before that evening, and he regretted that he was then obliged to mention it in explanation to the House of Commons. He could have very much wished that the right hon. Gentleman (Sir Benjamin Hall) had omitted to refer to the Report of 1852. He could not agree that that Report was condemnatory of the Board of Admiralty, though he admitted that Mr. Stafford's conduct was in some respects characterized by a want of sound judgment. Indeed, they had often spoken of the matter among themselves, and that fact was admitted. He was willing to admit that his lamented Friend's conduct had not been judicious during the time he sat at the Board of Admiralty; it might be said that his zeal had overstepped the bounds of prudence, but considering that his lamented Friend was now no longer among us, he regretted that his right hon. Friend had brought the subject forward as any condemnation conveyed by the Report of that Committee attached rather to him personally than to the Board at large.

MR. BERNAL OSBORNE: Sir, considering that the right hon. Baronet the First Lord has shown such laudable assiduity to deprive me of my seat for Dover, I think I may be allowed to address to the House a few observations. I must say in the explanation he has made, the right hon. Baronet has shown—to use the words of the gallant Admiral who spoke last—more zeal than prudence in meddling with election matters at this period. Now, this question resolves itself into two considerations. There is first the private consideration as affecting the attack upon Captain Carnegie by the right hon. Gentleman, and there is the public consideration of how long the Board of Admiralty is to remain as it is at present constituted. As to the personal attack that has been made upon

Captain Carnegie, although I have very slight acquaintance with that gallant officer, yet I have sufficient acquaintance to know that whatever he undertook to do he was prepared to do. When the right hon. Baronet tells the House that he offered that gallant officer "three fairly eligible seats," I think he was bound to continue his narrative, go further, and to tell the House which, in his opinion, were the "three fairly eligible seats," and what were the reasons, in the estimation of the First Lord, why these seats were either fair or eligible. Now, I put it to the First Lord of the Admiralty whether, when Captain Carnegie consented to take his place at the Board, the "fair and eligible seat" which was held dangling before his eyes was not that borough of Midhurst of which we have heard something in this House. Moreover, I ask the First Lord what reason he had to suppose that Dovor was a Government borough. I will give an answer to my question. The right hon. Gentleman knew there were certain packets at Dovor, that he has lately given an appointment in connection with them at Dovor to the brother of an electioneering agent at Devonport, that he had forced Captain Macilwain, the inspector of packets, to retire, and given the office to Commander Truscott. For those reasons it was that he thought a seat at Dovor was a fairly eligible seat for a Lord of the Admiralty.

Sir JOHN PAKINGTON: I wish to correct the hon. Gentleman. Whatever be his authority it is not true that I ever forced Captain Macilwain to retire. It is utterly untrue.

Mr. BERNAL OSBORNE: Captain Macilwain never applied for his retirement or his promotion. I have his letters upon which I state the fact. I remonstrated with the right hon. Gentleman. Has he forgotten that? But the right hon. Gentleman has a singularly short memory at this period of election. So much for Captain Carnegie, who no doubt will settle his difference with the right hon. Gentleman as to who is most to be credited upon this matter. I now come to the more serious point—to these revelations, now made for the first time in Parliament by a First Lord of the Admiralty, as to the political jobbing that is going on at the Admiralty. I say, after the disclosures that have been made by the First Lord, it is impossible that any future Parliament can allow the Board of Admiralty to remain as it is. Because upon the eve of a war—and the right hon. Gentleman has darkly alluded to that—we are told that he who is in such haste to reconstruct the British navy and constitute a Channel fleet was so forgetful of the state of things in Europe that he was ready to dispense with the services of Sir Richard Dundas, or of any other Member of his Board who did not choose to enter upon a contested election. Whatever hon. Members of this House may think, depend upon it such will be the feeling of the country that it will not permit the Board of Admiralty to remain as it is at present constituted. The right hon. Gentleman has affected not to know what was the telegram which came from Devonport relating to the promises held out by Sir Henry Leeke. Let me instruct the House upon a point which the First Lord should know. What is this monopoly of cadets which he affects not to understand—and I believe him. He has told us that so ignorant is he of the details of the Admiralty that he has been wanting a dry nurse in the shape of a Naval Lord at his elbow to help him in this House ever since he has been in office. It so happens that when Sir Henry Leek went to canvass Devonport—where he has a son-in-law a contractor in the dockyard, and let the House remember that we don't know what the contract with Sir Henry Leeke was—he held out to the outfitters there that if they would bring about his return for Devonport, he woul use his influence with the First Lord to get the examinations for naval cadets, which are now held at Portsmouth, and which bring a good deal of trade to that town, to be carried on exclusively at Devonport. That is the explanation of the telegram; and however the right hon. Gentleman may affect ignorance there is no man in Devonport who does not understand what is the meaning of it. But it seems now that Sir H. Leeke has left Devonport and gone to Dovor. Well, I do not think he will thank the First Lord for giving him this roving commission, but as to that gallant officer himself the country has some right to complain. That gallant officer had not served his time as an active officer, but what did the right hon. Gentleman do when he wanted an electioneering agent in the shape of an Admiral? Why, he put him upon the active list. ["Oh, oh!"] Well, has he served his time? I appeal to every one whether it is not an unexampled circumstance for an officer like Sir H. Leeke to be put upon the active list at the age of seventy. Why is he put upon the active list? Is it that he may go to Devonport and Dover, or for what other service? But whatever the explanation of the right hon. Gentleman may be, or however he may impute dishonourable motives to Captain Carnegie [" No, no!"]—well, no, not imputations — he dealt with insinuations; he just "hints a fault." But that I leave him to settle with Captain Carnegie. I have to say, however, that in this general election and long afterwards there will not be a man in or out of this House who will place any confidence in a Board of Admiralty which is constituted as the present. I say more—that if the gallant Admiral the Member for Southwark (Sir Charles Napier) should make a Motion for an inquiry into the constitution of that Board, I, who have opposed it before [*laughter*]—Yes, I opposed it for this reason, that I had the honour to act with First Lords who would not dirty their fingers with political jobbery. I will support such a Motion now, because I am sure the Board can never continue as it is after the disclosures we have heard to-night.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I hope the House will not allow these personal discussions, always amusing as they are, to divert their attention from a most important principle in our Parliamentary constitution. Ought the Board of Admiralty to be professionally represented in this House, or ought it not? For my own part, I think it is due to the honour and the interests of Parliament, and I am sure also of the Executive Government, from whatever party it may be formed, that the Board of Admiralty should be professionally represented in this House. Such has been my opinion during a long period of years, and I can speak from the experience I have had during the existence of the present Government of the extreme inconvenience we have felt, notwithstanding all the assiduity and ability of my right hon. Friend, whenever questions of a nature which are continually on the increase in this country, relating to the administration or organization of the navy, are brought before the House. There are among us many hon. and gallant Members eminent for professional ability, who are connected with the naval service, and the acts of the Government are open, and very properly open, to their criticisms, urged with all the knowledge and force acquired by professional experience, while the Board of Admiralty is represented in this House only by civilians, who, however distinguished their abilities, or however great their assiduity, cannot cope with such critics upon such questions, and consequently the public mind is apt to adopt erroneous and mistaken notions. In my opinion, it is for the interest of the House of Commons that every department should be adequately and completely represented here. This is not a party opinion—it is not a party principle—it is one in which I am sure a great majority of hon. Gentlemen present will concur. Now, having suffered for more than twelve months from the want of such representation, no one can be surprised that the Government should have taken the earliest opportunity they could of applying a remedy, and redressing what they felt to be a grievance personal to themselves as well as a great injury to the public service. Long before a dissolution of Parliament was anticipated the Government had this subject under their consideration, and were endeavouring to find some opportunity by which they might be able to supply the deficiency under which they were suffering. Something has been said about Captain Carnegie, and my right hon. Friend has regretted that the conversations which took place between him and Captain Carnegie were not reduced to writing. As I know my right hon. Friend and Captain Carnegie are both men of honour, I do not join in that regret. I am sure, upon careful consideration and reflection, there will be found to exist no difference as to fact between them. But I am bound to say, that having the honour of Captain Carnegie's acquaintance, by accident, I am able completely to substantiate the statement that my right hon. Friend has made, if that be necessary, because it so happens that socially, and not in my public capacity, Captain Carnegie sought a conversation with me, in which he expressed his extreme gratification on again returning to public life, and told me he had accepted office on the distinct understanding of entering into Parliament on the first opportunity that might present itself, and that he looked forward to the time when he might assist me in the House of Commons and render service to the Board of Admiralty, which was then in want of professional aid. I had considerable conversation with him on that occasion, and every statement he made to me completely substantiates that which my right hon. Friend has this evening addressed to the House. Sir, I thought it my duty to call the attention of the House to the very important principle which I conceive is involved in this matter, in order that they should not be diverted from it by the lively comments of the hon. Gentleman who still represents Dover (Mr. Bernal Osborne); and I do entreat the House, whatever observations may be made, or whatever course they may take on any particular appointment, or on the details which have been adverted to in the course of this slight discussion, not to be induced by party feelings to sanction the principle, that it is not expedient that the public service of the Admiralty should be represented in this House by professional gentlemen. I do not know anything which would tend more to diminish the influence of the House of Commons, and I hardly know anything which would have a more clear tendency to establish an inefficient administration than a permanent Board of naval officers. I am certain those changes which, to a very great degree must take place from the action of the constitution, have a beneficial effect on the Board of Admiralty. If we had in that Board a body of permanent naval officers, without Parliamentary responsibility and criticism, we should have an administration quite behind the spirit of the times, bound up by obsolete prejudices, and by no means equal to the stern demands of the present crisis. I hope the house will be of opinion that my right hon. Friend has only done his duty in endeavouring to place the administration of the Admiralty on its proper basis in that respect. I will touch but lightly on the grievance of the hon. Member for Dover. That hon. Gentleman wants to know why Dover should be called a Government borough. I quite concede the point to him. I do not know that there is a single ground for so regarding it, and therefore I should think the hon. Gentleman and his friends will not be offended by the Government having suggested that Dover would be a place for which a Lord of the Admiralty might be elected. He would there have an independent seat, and there might be some sympathies between a port and a distinguished naval officer, as we know there have been sympathies between Dover and a gentleman connected with the Admiralty. Dover may be, and I believe is, completely independent. I don't believe the influence of the Government there is worth as much as the letter I now hold in my hand; but, nevertheless, it is a fact that Dover did elect a Secretary of the Admiralty; and *à fortiori*, when the dissolution occurs, it is not impossible that it may elect a Naval Lord of the Admiralty. Now, I am not personally acquainted with Sir Henry Leeke; but I have always heard him spoken of as a very distinguished man who had gained laurels in the Persian Sea. I once saw him, and I must say he did not give me the idea of a gentleman of seventy. One thing must be admitted; he has shown great activity in his present capacity. A gentleman who has been at Devonport, and on the same day finds himself at Dover, does not, it appears to me, betoken any great degree of decrepitude. He seems only to be fashioning his career on that of a more distinguished predecessor than himself; because I have been informed—perhaps erroneously, for many of the observations made this evening appear not to have much foundation—that the present distinguished Member for Dover did at the last general election first appear at Devonport.

MR. BERNAL OSBORNE: The right hon. Gentleman will allow me to correct him. I was asked to appear there, but I refused.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman must admit, however, that there is some foundation for the statement I have just made, which is more than can be said for some of the statements that have been made on this occasion. I will not at all venture to predict what may be the resnlt of the coming contest to the hon. Gentleman the present Member for Dover. All I can say is that that if Sir Henry Leeke represent Dover in the next Parliament, and the hon. Gentleman the present Member do not, I sincerely hope the hon. Gentleman will find a seat elsewhere.

SIR GEORGE GREY said, the real question was, whether the First Lord of the Admiralty was acting in accordance with his duty in placing one, two, or three seats before the Naval Lords, and insisting upon their sitting for the one or the other of them. But his reason for rising was, to say a word or two for the gallant officer to whom allusion had been made. He had known Captain Carnegie from the time that he first entered the naval service; he was also intimately acquainted with his family; and he believed him as incapable of the breach of an honourable engagement into which he had entered as the right hon.

Gentleman the First Lord of the Admiralty himself. He (Sir George Grey) contended that the telegram from Captain Carnegie which had been read during the discussion was in perfect conformity with the understanding which had subsisted between him and the right hon. Gentleman the First Lord, inasmuch as the clear inference from that message was, that he declined to stand for a place where he could not hope to succeed. He (Sir George Grey) hoped, therefore, the right hon. Gentleman would feel it his duty to withdraw the insinuation he had made against Captain Carnegie.

Sir CHARLES NAPIER said, he also must express his astonishment at the manner in which the First Lord of the Admiralty had spoken of Captain Carnegie. Further, he wished to know whether Admiral Martin had left the Admiralty, and his reason for so doing.

Sir JOHN PAKINGTON said, he would remind the gallant Admiral that he had already stated that he was not at liberty to state the personal grounds which induced Admiral Martin to retire from the Admiralty.

Sir CHARLES NAPIER continued to observe, that he did not join in the opinion that because Sir Henry Leeke had been put on the retired list, he ought not to have been removed from it; for it was the unanimous opinion of the officers of the Royal Navy that Sir Henry Leeke's services in the Persian Gulf, in the service of the East India Company, should have been taken into account, and prevented his being placed on the retired list. It was, however, quite another question whether Sir Henry Leeke was the man to call to the Admiralty Board. He regretted much that these jobbings had taken place at the Admiralty at a time when war was impending, and that such a man as Admiral Dundas should have been so pressed to contest a borough that he felt compelled to tender his resignation. If the First Lord of the Admiralty should continue to hold his present office after the general election—which was not at all likely—he (Sir Charles Napier) trusted that what had now occurred would be a lesson to him. The fact was, an entire change ought to be made in the constitution of the Board.

Lord CLAUD HAMILTON said, that the hon. Member for Dovor, in referring to Captain Macilwain, had charged the First Lord of the Admiralty with having forced that gentleman from Dovor, and the statement was so extraordinary that he (Lord Claud Hamilton) must ask permission to relate the circumstances to the House. It so happened that his regiment of militia was quartered at Dovor last year, and he made the acquaintance of Captain Macilwain, who came to him and pressed him over and over again, as the greatest possible favour that could be conferred upon him, to write to the First Lord of the Admiralty and get him removed from Dovor. The ground which he stated for making that request was not any temporary inconvenience which he experienced, but that the peculiar mildness of the climate did not suit his wife's health. At last he (Lord Claud Hamilton) consented, and wrote the letter. It was perfectly true that Captain Macilwain wished not for a similar situation, but stipulated for a higher rank, and he understood that he had made a similar application to a previous First Lord of the Admiralty. His right hon. Friend replied that he could not at that time do what the gallant Captain asked; but a satisfactory arrangement had been made. It was therefore to his (Lord Claud Hamilton's) astonishment that the hon. Member for Dovor stated that Captain Macilwain had since seen him, and told him that he did not appprove of the arrangement then made. He (Lord Claud Hamilton) had also seen him; but so far from expressing anything like discontent, he rather expressed himself grateful to the First Lord, although he had stated that he was sorry he was not able to give him increased rank, because he was placed on the retired list.

Sir ERSKINE PERRY said, he must be permitted to state in justice to the hon. Member for Dovor, that the contradiction which the noble Lord had just given, although apparently a flat contradiction, was not so really. His hon. Friend said that Captain Macilwain had applied to retire from the service some years ago, and was refused, and that he had now been placed upon the retired list, without his consent or application, and even against his remonstrances; and that statement Captain Macilwain had himself made to a relation of his (Sir Erskine Perry's), a man of distinguished rank in the navy, no longer ago than Sunday last. It appeared to him also that the First Lord of the Admiralty and the Chancellor of the Exchequer had kept out of sight the most important point in this discussion, namely, the mode in which the boroughs were treated to which the First Lord thought of sending down candidates. [Sir John Pakington intimated that he had named no boroughs]. He (Sir Erskine Perry) knew that the right hon. Gentleman had not; but he thought it was due to the House that he should give their names. At all events, the House would perceive from the right hon. Gentleman's confession that he had been stimulating gentlemen to seek seats in Parliament by offering a seat at the Board of Admiralty as the reward of their success. That confession was clear throughout the right hon. Gentleman's speech. The naval profession were well aware of the conduct of the Earl of Derby's Government with respect to those boroughs in the year 1852; and he spoke from personal experience when he said that the conduct of the Government on that occasion was most flagrant and even disgraceful. There was such an abuse of patronage and power as had not been witnessed for forty years in this country. And the charge which the Opposition now brought against the Ministry of the present day was, that on the eve of an election the First Lord of the Admiralty was encouraging a recurrence to the same practices. For here was Sir Henry Leeke, an admiral, promoted from the retired list, and lately made a K.C.B., going down to Devonport and stating that he had an understanding with the Government that he was to contest that borough, and promising the electors that if he were successful he would obtain the Government patronage for Devonport which was now exercised at Portsmouth. He contended, then, that, this was a recurrence to the practices which had been so unanimously demounced by a Select Committee of the House, that the Government had not given any answer to this part of the charge, and that the part which the First Lord had been playing more resembled the conduct of a Secretary to the Treasury, or a whipper-in, than that of a man charged with the duties of the high office he now filled.

Colonel KNOX said, he rose not to prolong this hustings discussion, but to confirm every word that had fallen from his noble Friend (Lord C. Hamilton), with regard to Captain Macilwain, notwithstanding the denial which had been given upon hearsay by the hon. Member who had just addressed the House. Captain Macilwain was a friend of his own, and had told him precisely what had been stated by the noble Lord at the United Service Club, that he was not the least discontented with the arrangement that had been made, and that he left Dovor entirely on account of the illness of his wife.

Mr. T. DUNCOMBE said, he did not wish to have anything to do with the private arrangements within the walls of the Admiralty, but as they were on the eve of a general election, he wished to say a few words on the subject. In the first place he should like to know what the people of England would think of the conversation that had just taken place. He had always thought that the House of Commons was instituted for the purpose of securing the representation of the people, but they had been deliberately told by the First Lord that night that it was necessary that the Board of Admiralty should be represented there, that there were certain boroughs in the pockets of the Admiralty for that purpose, and that it was necessary to have naval officers in the House to assist the First Lord, who was a civilian. But surely it would be a more common sense arrangement to put a naval officer at the head of the Admiralty at once. For what were the naval officers wanted here? To instruct the right hon. Gentleman in the duties of his office. His (Mr. Duncombe's) advice was, that if these naval officers were required in the House to guide the Minister, they should sit there *ex officio*. But another course which was open to the right hon. Gentleman was, that he himself should retire from the Board of Admiralty, and go back to the Worcestershire Quarter Sessions, whose bench he had adorned as chairman for so long a time. These were important times to live in. We ought to have at the head of the Admiralty persons who were conversant with naval affairs; and he was quite sure that if the right hon. Gentleman did retire, the flag of England would float quite as triumphantly on the seas as it had done for many years past.

Sir JOHN PAKINGTON said, he hoped the House would allow him to make an explanation on a matter which was personal to himself—he alluded to what had fallen from the gallant Admiral the Member for the East Riding (Admiral Duncombe). It was true that he (Sir John Pakington) had offered the gallant Admiral a seat at the Board of Admiralty, and he was never more astonished than when he heard this evening that he had made that offer in terms that rendered it impossible for the gallant Admiral to accept it. He (Sir John Pakington) could only say that he had made the offer in terms as courteous and friendly as such offers were usually made, and he could only explain what had fallen from the hon. and gallant Member this evening, by supposing, for he spoke from memory, that he (Sir John Pakington) had used some such expression as requesting him to resume, or something to that effect, the place at the Board which the gallant Admiral had held under the administration of the Duke of Northumberland; and as the hon. and gallant Member was a naval officer, he was not aware that he had filled the fifth place on that Board, which was usually occupied by a civilian. He certainly thought he had explained that mistake to the gallant Admiral, for the truth was, that at the time he made the offer, he fully believed that the hon. and gallant Member had filled the office of a Naval Lord of the Admiralty.

ADMIRAL DUNCOMBE observed, that what the right hon. Gentleman had just stated was perfectly correct; but from that time to this the right hon. Gentleman had never offered him any explanation. He attributed it to the right hon. Gentleman's ignorance on naval matters and of the feelings of naval men, that he had made the offer as he had done, and it was that conviction which had prevented him from making any complaint on the subject.

SIR DE LACY EVANS was understood to inquire when the report on the dockyards, to which reference had been made some evenings since, would be placed on the table. He also called attention to the large number of troops in India, and asked if it was in contemplation to send out any addition to the artillery there?

LORD STANLEY said, that the Report referred to by the hon. and gallant General had been somewhat delayed, but it would be laid upon the table in the course of the Session, and that the hon. and gallant Member was right in supposing that under the present circumstances it was not the intention of the Government to send out any more artillery.

MR. W. WILLIAMS said, he wished to ask if the Appropriation Bill contained a clause stating the deviation of the sum expended from those voted in the House?

SIR HENRY WILLOUGHBY asked if the Act was drawn in the usual form?

SIR STAFFORD NORTHCOTE said, he had to reply to both questions in the affirmative.

Bill read 2°.

CLEARANCE INWARDS AND LIEN FOR FREIGHT BILL.

LEAVE—FIRST READING.

Order for Committee read. House in Committee.

LORD LOVAINE explained that the law was at present in an unsatisfactory state as to the rights of shipowners. The object of the Bill was to pass a general Act which should give all the powers at present conferred by local Acts, without superseding the latter. It was not intended to proceed further than printing the Bill during the present Session.

Resolution *agreed to.*

House resumed.

Bill read 1°.

ENDOWED SCHOOLS (No. 2) BILL.

WITHDRAWAL OF BILL.

Order for Second Reading read.

MR. DILLWYN said, he had presented a large number of petitions in favour of this Bill, but at the same time he did not intend to press it during the present Session. He merely wished to say with reference to the many attacks which had been made on the Bill in the papers and at public meetings, to the effect that it was an aggression on the Church of England, that, in point of fact, it was the Church which had, in the first instance, assumed the aggressive towards the Dissenters. The action of the latter was merely defensive, and as it was understood that the aggressive action of the Church was to be persisted in, it was necessary that some legislative measure should be interposed to prevent it.

Order *discharged.* Bill *withdrawn.*

BALLOT.—LEAVE.

MR. H. BERKELEY said, he rose, pursuant to notice, to move for leave to bring in a Bill to cause the votes of the Parliamentary electors of Great Britain and Ireland to be taken by way of ballot. The first thing, perhaps, that would strike the House might be, that the present was not a very opportune moment for bringing it forward. The question, however, had been started on a previous night, and a partial division taken, but no arguments had been used, nor would they have been listened to at such a moment. And yet the present appeared to him to be an extremely proper time for bringing the question before the House, or rather, he should say, the country, which was so soon to be appealed to on the whole question of the franchise. Once before, and once only, had he stood in the same position as regarded this question as that in which he stood at the present moment, and that was just previous to the election of 1852, when Parliament was about to be dissolved under circumstances similar to those which were now about to send them all back to their constituents. Then humbly and feebly, but zealously, did he lay before the House the state of things which would arise in consequence of the coming dissolution. He told them that the country was about to be plunged into a Saturnalia, in which every vicious principle would be encouraged, when intimidation would stalk and drunkenness would stagger through the land, and when in consequence the electors of this country would stand before the world as a set of debased and degraded voting machines. That prophecy of his was fully realized by the election that followed. Indeed, so bad was the state of things in 1852, that even the Earl of Aberdeen admitted that the condition of our electoral system was such, as that no man could be enamoured of it. But exactly the same influences prevailed then which were threatened now. The two great factions of the State had had a dispute and a division which had terminated in favour of one of them. The objects of the assault had been Whitehall and Downing Street, and both attack and defence had exhibited extraordinary valour and perseverance, but the result must be a dissolution of Parliament, and he asked the House whether that dissolution would not place the country in exactly the position which it held in the year 1852? The result of the election of 1852 was, that the House determined upon doing something, but was equally bent upon doing nothing effectually. They appointed a Committee, unfortunately the usual scapegoat in that House, and that Committee investigated the corruption which had been made so manifest at the election. It finished with a Report; and, strange to say, that Report was acted upon by the House. But how was it acted upon? By the production of the Corrupt Practices at Elections Prevention Act, which in his opinion would have been more correctly called the Corrupt Practices Encouragement Act. Under that Act, intended to prevent, but which really encouraged corrupt practices, they were now going to the country. Let them read the statement in *The Times* of that morning, that already £50,000 a day had begun to be spent on electioneering. They would be told no doubt that the money would be spent honourably by the candidates; but would the people of England believe them? Such was the state of things under which he was then addressing the House, and for the twelfth time, annually and successively was he there to urge upon the House the consideration of the means by which alone they could hope to escape the giant evils of their electoral system. If they should not be able altogether to remove the stumbling block of bribery, they might at least alleviate the evils which were such a scandal and a disgrace to the electors. He must congratulate such hon. Friends of his as had always supported the ballot upon the position in which the question now stood. It had been admitted in the House and out of the House, that it was that question of reform which above all others was most sought for by the people, and most earnestly demanded. He might refer to the gratifying fact that the majority had steadily increased year by year, until at the present moment there were 238 Members who had recorded their votes in favour of the ballot during the present Parliament. In the election which was approaching, he believed that the question would be urged upon every candidate, and therefore he trusted the House would bear with him while he endeavoured to dispel certain delusions, and to correct certain fallacies which had been indulged in by those who opposed secret voting, and advocated the present system. He had before stated that the constituencies one and all cried out for the ballot, and he hoped he was not over sanguine in expressing his earnest hope that many leading statesmen in that House who had hitherto turned their back upon it would at no distant period consent to become its advocates. When this question was first handed over to him by Sir Henry Ward it was treated with a sort of sneering contempt by the press, and more particularly by that great organ of the press, *The Times*. That journal used to say that the ballot came in with green peas and early gooseberries, but now articles were written by the yard against the ballot, teeming with violence, and sometimes with personalities, and always remarkable for the absence of reasoning. It was clear that hon. Gentleman in that House opposed the ballot with masks on their faces, and were actuated by some latent feeling that they dared not express.

But in the columns of *The Times* he found reasoning against the ballot which he believed in his heart was the true and just cause of the opposition to secret voting. *The Times* said that the natural state of things was that the landlord, farmer, superior shopkeeper, and clergymen should manage and govern those they employed. The "natural superiors" of the working classes in commercial constituencies were stated to be millowners, merchants, and ironmasters. Here was a constitutional doctrine for them! Would any hon. Gentleman in that House rise and endorse it? Not a man among them would do so; but there was not an opponent of the ballot who did not feel that this was the true cause of his opposition to the measure. If this were sound constitutional doctrine he wondered what the legislature had been doing for so many years. Parliament had created an electoral body and defined its duties. The electors were to vote freely and indifferently; they were not to be intimidated, their votes were not to be purchased, and their qualifications were duly specified. But after all these pains had been taken by the Legislature the constituencies were suddenly told that they were not able to govern themselves, and that parties must be found to govern and direct them. Surely this was the most "admirable fooling." There was nothing like it except that passage in the play of the *Tempest*, where the drunken Trinculo says:—"Stephano shall be King of this island, and I will be Viceroy over him." So it was with the electoral body. The electors were to be monarchs of the franchise, but the squires, parsons, and superior shopkeepers were to be viceroys over them. He was glad to see that the mask was dropped, but he should be surprised to find any man upon the hustings holding the language that the electors were slaves and ought to be slaves. A highly respectable and rev. gentleman—the hon. and rev. S. G. Osborne—had undertaken to defend open voting and decry the Ballot, and his remarks were worthy the attention of Parliament. Mr. Osborne said:—

> "I am dealing with the Englishman of December, 1858. In the year 1960, for all I know, 'progress' may have so cleansed the Mr. Bulls of every breed that, whether stalled in a palace or a hovel, they will be found so politically pure as to scorn to influence or be influenced. When I regard the position of a cottage labourer with a vote, to be given by the ballot, I can only look upon him with the truest pity. As it is, poor Hodge has difficult steerage-way through the stream of his life. It requires all his patience, all his principle, to hold a straight furrow from to day."

The landlord, said the rev. gentleman, must not be displeased by a county voter; the parson it was advisable to please; the shopkeeper, it was clear, he must not affront; with the guardians of the parish he must be on good terms; and even the relieving officer and union doctor, if put out with him, might put him out at a time when he was sorely in need of assistance. Here was a picture of a voter under tolerably strong influences, but the rev. gentleman, with a tortuosity of mind which it was difficulty to understand, observed that if such a man had a vote, without the certainty of obliging these persons by its use, in what a position of peril he would be placed! Now, he (Mr. Berkeley) came to a directly opposite conclusion upon these facts, and would say, "Give such a man the means of voting privately, and he then may vote conscientiously and displease no one." The rev. gentleman from whom he was quoting mentioned the case of an upholsterer at a county election who, being employed by persons of different politics, said as a tradesman he could not afford to have any political bias, and that he wished he never had a vote. How many tradesmen in the metropolitan boroughs had been heard to say the same thing! But the rev. gentleman said, "I have my doubts whether the ballot would relieve that man." Well, certainly open voting would do him no good. The secret would leak out, said the rev. gentleman, through his wife, or in other ways; and no better reason could be urged against the ballot than this feeble, wretched, exploded notion. But did hon. Members tell everything to their wives? He rather thought it would be found they did not. Did the poor man do so, and, if he did, had hon. Members so bad a notion of women of this class as to suppose that they would tell a secret when their husbands' ruin would, perhaps, be the consequence? He had found directly the reverse of this to be the case. When Mr. Onslow was a candidate for Guildford an elector urged him strongly to abide by his pledge respecting the ballot, and on being questioned, said, "I want the ballot to protect myself from my wife." "How is that?" he was asked, "Why, ever since I voted for you my wife has led me a dreadful life. She never leaves me alone; she dins me with curtain lectures; in short, I am a miserable man. For Heaven's sake, Sir, give me the ballot." Even in that case, did not the anxiety of the wife for the welfare of her children show that she would honourably keep her husband's secret? But here was a holy man who gave evidence that in 1858 coercion and "the screw" prevailed. A pamphlet had recently appeared written by the son of an honoured man, Mr. Mill. That pamphlet was, of course, paraded; it had occupied two or three yards in *The Times*, all in glory of Mr. Mill, who opposed the ballot. Now, Mr. Mill laid a foundation of his own, which was as rotten as possible, and upon that foundation he raised a fair structure. Thirty years ago, he said, the main evil to be guarded against was that which the ballot would remedy—coercion by landlords, employers, and customers. Mr. Mill allowed that the ballot would cure the evil, but said that that evil had now ceased, and in its place there had arisen an intense selfishness among the electors, which called for open voting to check it. He (Mr. Berkeley) should not stop to inquire where Mr. Mill found this intense selfishness existing; he met him *in limine*, because his foundation was rotten. Hon. Members would find to their cost that corruption of every kind was as rife in our electoral system now as ever. He had the strongest evidence in support of this assertion. Mr. Grote's Committee, which sat on the malversation of the franchise nearly thirty years ago, proved the existence of intimidation, bribery, treating to a frightful extent. Did the House remember the report of that Committee, the election petitions which flowed in in 1838 after the general election in the previous year, and the proceedings of every Election Committee which had sat from that day to the present? For twelve years, in various speeches, he had laid before the House evidence which showed, on the best authority, that corruption of every kind, instead of decreasing, steadily held its own, and had probably increased. It was unnecessary to refer to the general election of 1852; but did the House remember the Nottinghamshire election, with the wretched serfs creeping into hiding-places, thrust out by the bailiffs, and then sent to vote as their landlords wished? At the last Northamptonshire election, a little more than a year ago, Peers had been known to interfere in influencing the return of Members by using a system of coercion towards their tenantry which would have disgraced even the middle ages. If those statements were true, it was quite evident that he had succeeded in making out a case by which the argument of Mr. Mill was completely upset. It had, however, on a previous occasion, been urged by his right hon. Friend the Member for the University of Cambridge, that if vote by ballot were introduced into this country personation and frauds of that description would creep into our representative system under the cover of secrecy, and that there would be no means of detection. He need scarcely, he was sure, reply to such a charge against the ballot, nor would he had it not been advanced by one he so highly respected. But really such an accusation was ridiculous. Under a system of secret voting, if proper securities were adopted—and he did not propose that the ballot should be established without such securities—personation would be as easily detected as under open voting. They did not want to know for whom the man voted in order to detect personation. All that they required to know was, that he did vote. If he presented himself at the polling place and described himself as so-and-so, of such a place, and desired to vote, where was the difference in the matter of detection between that and open voting; and if the man passed himself off for somebody else, and voted as somebody else, what difficulty could there be of detecting or punishing him for the fraud afterwards? He should say that the mode of proceeding would be, that at the close of the election the ballot-box would be counted, and a return would be made; and if the return were objected to, the record of the vote would be kept a certain time, to be forthcoming before an Election Committee, or other tribunal, for examination. It was very far from his intention to prevent an appeal in the event of a false election; and, of course, in providing for the appeal, there must be the necessary machinery for bringing forward evidence. A great deal of froth had been poured forth about the ballot in Australia, without one tangible objection being advanced against the mode of voting there in operation. It had been said by one of the candidates at a late election (Mr. Calthorpe) there that secrecy was not effectually preserved by the mode in which the votes were taken. Now, he (Mr. H. Berkeley) had a letter from Mr. Wilson, the proprietor of the Melbourne *Argus*, a paper that might be described as *The Times* of Australia, contradicting this statement, and adding, that he was prepared to prove before any Committee or other tribunal of inquiry, that so far from the ballot having failed in Australia, it had perfectly succeeded, and that secrecy of voting was, for all practical purposes, secured. But it was not to its efficiency on the score of secrecy only that Mr. Wilson bore testimony. The cost of elections, he added, was diminished; the peacefulness and propriety with which the proceedings were conducted were increased; the prevention of corrupt influences of all descriptions was attained under the system of vote by ballot, and he concluded by expressing his solemn conviction that not only had the experiment of its introduction proved successful in Australia, but that it might in that respect challenge comparison with any political experiment of recent times. Now, when he had last introduced the question to the notice of the House, the hon. Member for Salisbury (Mr. Marsh) had risen in his place and stated that the introduction of the ballot in Tasmania had led to the most improper and violent proceedings taking place in the Legislature of that colony. That statement had caused great indignation among the colonists, particularly when it was borne in mind that the hon. Gentleman who had made it had been himself a successful squatter; and he held in his hannd a letter from Mr. H. Downing, of Launceston, who had filled the office of mayor of that town, as well as that of returning officer at the elections, in which the justice of the statement was denied, there being, he alleged, only one man in the Legislature who could be said to give way to any unbecoming violence. Mr. Downing went on to add that even in the case of the person to whom he alluded the use of violent language was the result of temperament, and that he was a most respectable member of the community. He also bore testimony to the quiet and decorum which prevailed at the elections at which he presided. He thought that was a conclusive answer to the sneers which had been thrown out on the want of success of the ballot in our Australian colonies. Much, too, had been talked about the failure of the ballot in America; but it should be understood that the friends of the ballot here had never said that the American system met their approval. In America the voting was open if a man chose, or he could vote secretly if he pleased, and he declared, in the name of those who acted with him, that no ballot would be of use in this country which was not entirely secret. In nearly all those States, however, where open voting was originally practised, they had one by one adopted the ballot, and now there were only two States —the Slave States of Kentucky and Virginia—where the voting was open, and he had received such accounts of the horrors and terrorism exercised at an election in the latter State that would shock the House if he were to read it. He was quite aware that the present House of Commons was too hardened to give much hope of success to his Bill, that no power of reasoning or argument would affect its decision, but only an influence from without. The adoption of the ballot did not depend upon 238 earnest men in that House, but upon the constituencies of this country, who had an uphill battle to fight against overpowering influences. Those constituencies had asked respectfully—they had waited patiently—but they would before long demand with a voice of thunder, as right, that which they now claimed as a boon. It might be complained that now, at the end of a Parliament, such a Motion as he was submitting could have no particular effect; but it was precisely because they were approaching that grand national saturnalia which took place at every general election, that he brought forward this Motion and these statements. The hon. Gentleman concluded by moving for leave to introduce a Bill to cause the votes of Parliamentary electors of Great Britain and Ireland to be taken by way of ballot.

SIR JOHN SHELLEY said, that in seconding the Motion, he must complain of the course taken by the hon. Member for Bodmin (Mr. Wyld) in bringing forward this subject of the ballot on the night of the division on the Government Reform Bill, which he considered unfair to the hon. Member for Bristol, and had therefore followed that hon. Member out of the House to avoid voting. He was glad to hear the Chancellor of the Exchequer, on a late occasion, while recommending the adoption of voting papers, say that all parties were agreed that some means must be devised for doing away with the corrupt practices that took place at elections; and he hoped, that as the object of this Bill was to prevent such practices, no objection would be offered to its being brought in and laid before the House and the country. In the rural districts, in which he passed the greater part of his life, he could assure the House that intimidation on the part of the landowners was as rife as ever. He believed that if secret voting were established, and every man could vote according to his conscience without fear of the consequences, the best man would almost invariably be returned. As showing the extent to which the interference of landlords was carried, he might refer to an advertisement which had appeared in a country paper from a farmer for a farm of 250 acres, the ground of his requiring it being that he had received a letter from his landlord, a clergyman of Agar, in Essex, one passage in which was—

> "I hope in a few days to fix the time for coming to Maidstone to receive the rent. I hope you are a Conservative, as I am, and that you will give your vote for Sir W. Riddell. It is my opinion that landlord and tenant should always vote on the same side, and if we proceed to arrange for a new lease of the farm that will be a stipulation."

Now, he (Sir John Shelley) could scarcely suppose that any man would contend that such a demand on the part of a landlord was justifiable, or that any landlord had a right to call upon his tenant to pay a second rent, in the shape of a vote. All that was now asked, was leave to introduce the Bill, that it might be printed and laid before the public. They had now, for the first time, a practical proposition presented to the House for doing away with corrupt practices at elections, and he could scarcely suppose that any one would oppose its being introduced, so that its provisions might be seen and understood, and that the House and the country might judge how far the machinery proposed would be effectual for the purpose. The widening of the constituencies would have a great tendency to check bribery, for it was obvious that it could not be so effectually perpetuated in large constituencies as in small ones, but the only effectual remedy was the ballot. Upon the subject of voting papers, the noble Lord (Lord Stanley) two years ago, when the noble Lord the Member for Stamford (Lord R. Cecil) brought in a Bill for taking votes by that system, said—"In reference to this question of voting papers proposed by the noble Lord, I think the evil will be increased in a greater degree. At present both parties run a risk of being deceived; but the proposition of the noble Lord would make them quite safe. The voter would receive his voting paper from the agent, together with a £5 note, the note would be left, and the voting paper would be taken away signed." Now, under a system of secret voting no man would be such a fool as to lay down the £5 note, for he would have no security for the vote. The ballot, moreover, was the only way by which tradesmen could be protected against the tyranny of their customers, and operatives against that of their employers. There could be no real Reform of Parliament until, by the establishment of some system of secret voting, the corruption and intimidation practised under the existing system of open voting were done away with.

Mr. SOTHERON ESTCOURT said, he hardly knew whether the hon. Gentlemen who had introduced and seconded this Motion seriously intended that there should be much discussion on the ballot at that period of the Session, when the attendance of hon. Members was so small. In fact, he should rather suppose that the two speeches just delivered, as well as those which might be delivered during this debate, might be regarded as dropped speeches, which should have been made upon the Motion of the hon. Member for Bodmin. On that occasion, greatly to the surprise of the Government, some of those who had been the most strenuous advocates for vote by ballot were decidedly averse to a discussion of it. Of course the Government knew very well what was intended, and, speaking with reference to that occasion, he could only say that the Government had no such intention as the hon. Gentleman (Mr. Berkeley) had attributed to them. The Government had no intention of voting contrarily to the whole current of their principles, or of giving a vote upon the question in an indirect manner. The hon. Gentleman's speech of that evening very much resembled his former addresses on the ballot. It consisted of a number of squibs and crackers rather than of serious arguments. However, he did not intend to speak of his arguments, such as they were, in a disparaging tone, for he could not offer to the House anything so entertaining as the hon. Gentleman's speech. The hon. Gentleman appeared to have addressed many of his observations to two distinguished Members of the House—namely, the noble Lord the Member for London (Lord John Russell) and the right hon. Baronet the Member for Carlisle (Sir James Graham). Those two distinguished Members were the last instances of individuals who had given their constituents some reason to suppose that they were not quite insensible to the arguments in favour of the ballot. The noble Lord the Member for London had pointedly intimated that he was of opinion that something might be gained by a more mature consideration of this subject, and the right hon. Baronet the Member for Carlisle had coquetted with it in such a manner that he was not surprised at the hon. Gentleman's endeavours to make a convert of him. The Government were quite aware of the object of the Motion. Hon. Members were about to enter upon an electioneering campaign, and it was very useful for hon. Gentlemen on such occasions to take an opportunity of making a fresh declaration in favour of the ballot, which was favourably regarded by a very large number of their fellow-subjects. But he would be abandoning his duty if he did not assure the House that the Government were no parties to the apparent disposition to conversion to which the hon. Mover and Seconder of this Motion had alluded. The Government entertained on this subject the same opinions as they had always expressed; and it would be his duty on their part to meet the proposition by a decided negative. His hon. Friend who had seconded the Motion might really be supposed to be a new Member from the terms in which he had asked the Government to permit the hon. Member (Mr. Berkeley) to bring in his Bill. His hon. Friend said, "Surely you will allow the House to see what the proposition is." Now, the ordinary mode in which any hon. Member proposed to introduce a Bill was by making the House acquainted with the nature of it in his opening speech. He confessed he should have been extremely glad if he could have learnt from the hon. Member who annually, for the last ten or twelve years, had brought forward this subject, what the nature of his ballot specifically was, and how he proposed to put it into operation. The hon. Gentleman had spoken of the ballot to-day in a manner which was utterly at variance with anything that he (Mr. Sotheron Estcourt) had ever heard of with regard to vote by ballot. He had spoken of an appeal from the decision at the hustings as if he meant that it should be possible to ascertain under his plan of vote by ballot in what way a man had voted. He wished the hon. Gentleman had explained himself on that point. But if the vote could be ascertained, in what respect would such a system of ballot differ from open voting? The Government themselves contended that it would be impossible to prevent a man's vote from becoming known even under a system of ballot, and that under such a system there would be personation of voters and other corrupt practices. He would not

at present enter into a full discussion of the question, but he would ask the House to consider whether, even supposing they could gain what the hon. Gentleman believed they could—namely, secret voting, they would not lose thereby much more than they would gain. He would not speak of what they might gain, for that had been discussed over and over again; but he would submit to their consideration two points with respect to which they would be losers. They would lose mutual confidence, and that which, in voting for Members of Parliament, as in every other relation of life, ought to have great weight—namely, the benefit of a man's age, experience, and judgment. Those losses, he thought, would more than counterbalance any gain which could be achieved by secret voting, even if such a thing were possible. The only instance in this country in which the ballot was resorted to was in the elections at our clubs. And why did it answer in that instance? Because the objection made to a candidate at those clubs was a personal aversion. In them the voters had nothing whatever to do with the candidate's qualifications, and therefore, in his (Mr. Sotheron Estcourt's) opinion, the vote on such an occasion was perfectly distinct from a vote at the election of a Member of Parliament. In conclusion, he held on this subject exactly the same opinions as he had always expressed. In the first place, he did not believe that secrecy would be obtained, and if it were, the promoters of the ballot had failed to show that it would conduce to the purity of elections. On these grounds he was opposed to the introduction of the measure, and he hoped that as they would, in his opinion, lose more than they could gain by secret voting, they would reject the Motion.

Sir RICHARD BETHELL: Sir, during the last eight years I have on many occasions been an attentive listener to the discussions which have taken place here upon this important subject, but never myself have ventured to address the House in reference to it; nor would I now attempt to do so if my attention had not been directed to it among various other topics contained in the addresses which hon. Gentlemen are now placing before their constituents. In some of those addresses there are, in my humble apprehension, several great errors and fallacies with respect to secret voting. Some of these fallacies have noble authors; but, in all the addresses which have been published, there is no greater fallacy than that brought forward again and again by the noble Lord the Member for the City of London, and which is also adopted by my noble Friend the Member for Tiverton. One of the fallacies is, that secret voting is contrary to the constitution—in other words, that it is a matter of constitutional law that the voting for Members of Parliament should be open. Now, I have been solicitous to find whence that proposition is derived, and I am still at a loss to know to what authorities the noble Lords can refer in support of it. I know but two authorities which at all touch upon the subject. The first is an Act of Parliament as early as the 3rd of *Edward* I., chap. 5, which contains this language:—"And because elections ought to be free, the King commandeth upon great forfeiture that no man by force of arms, nor by malice or menacing, shall disturb any to make free election." That was followed by another statute, the 7th of *Henry* IV., chap. 15, the language of which is continued to the present day—"And there, in the full county *pleno comitatu*, they shall proceed to the election freely and indifferently." Now, I wish the House to remark that both the obligation and the right of the elector are defined in those words. His right is that he should be allowed to vote freely, and the obligation which rests on him is that he should give that vote indifferently. That is the sum total of the law of the question, except that it has by particular enactments attached penalties to the abuse of the franchise when the vote is not given indifferently, but its arm is too weak, and not long enough to protect the elector in his right to give his vote freely. We have a great variety of legislation intended to throw a shield round the elector, but it is inadequate to preserve to him his right of voting freely—that is, without restraint and without compulsion, free from threat and intimidation, regardless of any personal consequences. If the law, then, is insufficient by direct enactment to carry out the obligation which it owes the elector, of enabling him to vote freely and indifferently, it is incumbent on us, the House of Commons, to consider whether there is not a mode by which the declaration of the law that he should so vote can be carried out. That declaration has never been adequately carried out, and you are now called on to give effect to the constitutional principle that there should be perfect freedom of election. What, then, becomes of the constitutional argument? My noble Friend the Member for Tiverton has told us very frequently and in positive terms that secret voting is contrary to the constitution. That assertion I meet with a direct negative. I say that both the law and the constitution of the country require freedom of election, but as yet no positive enactment had been able to secure it. It is then our duty to give effect to the constitution, and the only mode in which we can give it that effect is by establishing a system of secret voting. That, Sir, disposes of one of the topics which the candidates for seats in the new Parliament have discussed in their electioneering addresses with the greatest complacency, just as if they understood the subject. Another fallacy which I have again and again heard put forward as an argument is, that the franchise is a trust, and that the party who possesses it has thereby imposed upon him a public duty to perform, and those who confer that trust and are interested in its performance, have a right to know how he discharges his duty. That is the substance of the argument, which I believe has not in its origin the authority of the noble Lord the Member for the City of London, although no authority can on such a subject be greater than his—I believe it rests on the authority of no less a person than the late Sir Robert Peel. Now, Sir, there is no more fruitful source of error than for a person to make use of legal terms in what are called false analogies. It is true, if a man uses a legal term, applying it in legal relation to a given subject, and if he means to say that that subject falls within such legal relationship, he uses the word appropriately, and therefore if we say that the elector is a trustee, and if we understand for whom it is he holds the trust, we may be able to comprehend the legal allusion; but, if we use the terms trust and trustee by way of comparison or analogy only, we create a most fruitful source of error. Lord Mansfield has put reasoners on their guard against this kind of argument; for he was wont to say that no description of argument is so likely to mislead as false analogies. I will ask the House to be good enough to tell me for whom the elector is a trustee? A trustee in law implies three things—a person in whom the trust is confided; an individual for whose benefit it is created; and a legal obligation to perform it. If you say the elector is a trustee, I ask for whom he is a trustee? I suppose the answer will be that he is a trustee for the non-electors. A trustee for the non-electors! That is, I think, a singular fallacy. It amounts to this, that the voter has himself no beneficial interest in the franchise, but is constitutionally vested in the *cestuis qui trustent,* the non-electors; so that, after all, the non-electors are the legal possessors of the franchise. Supposing that, say in 1810, I was an elector—one of the trustees for the non-electors—and, in the midst of a "No Popery" cry, the whole *corona* of the non-electors standing round the hustings I went in and voted for Catholic Emancipation, is it not probable that the non-electors would have regarded it as a gross breach of trust and that I should have had my head broken by them, and be carried home on a shutter? I might have a right to say to the noble Lord, when he would speak to me of the trust that I held, that I intended to give a vote on enlarged views, and that he himself might live to see those views realized—nay, to be one of the most active in bringing about that state of things for voting for which I suffered so much punishment at the hands of my *cestuis qui trustent.* Should it be said that I—who exercise the franchise with enlightened views, looking beyond the present time, and having greater political sagacity and foreknowledge than the men who are the *cestuis qui trustent* of that franchise—am responsible to them, instead of to an enlightened posterity, for the manner in which I exercise it. If, at the time I have mentioned, I were to say, "Deal with them," I should have been tarred and feathered; and, to be duly cursed, be placed in the Commination Service. That, Sir, is the practical application of the argument of those who declare that the franchise is a trust which we hold for the non-electors, for it concedes to them the right to call us to account for the exercise of it. There is a third argument brought forward, and it is the last which I shall here notice. It is said that the ballot is cowardly, and we have heard from the right hon. Gentleman the late Home Secretary, that it is un-English, alien to the country, at variance with the constitution, and tends to degrade a man. But tell me which degrades a man most—to intimidate him, or, what is worse, to make him a slave in his own estimation, or to allow him to vote in secret? And is not that the condition of the present body of electors? Adopting a phrase which was employed by the late President of the Board of Trade upon a recent memorable occasion, it has been said that under the ballot, electors would go about with "masks on their faces." But that, Sir, is the present condition of the law, because you are unable to protect the electors in the exercise of their right, and so the tenant is, in voting with his landlord, compelled to put on the mask. He is not a voter—he is no more than a man bearing a message which he is bound to deliver, or a servant with a command put upon him which he is bound to execute, so that he goes to the poll internally cursing him who forces him there. Tell me, then, does anything more dishonour, can anything more degrade, the character of a man than making him that species of slave? If that is the case at present, will any one contend that to emancipate the voter from that thraldom, and to relieve the candidate from the possibility of exercising over him that control—because under the ballot it will be useless—would not tend to vindicate the character of the elector, and to raise him in his own self-respect? I will not say that the opposition to the ballot has its origin in tyranny, or in a desire to exercise undue control over men; but I would observe that a great deal of the objection to the ballot arises from the fact that those country gentlemen brought up with old feudal notions cannot induce their minds to throw them aside. The origin of influencing tenant voters is nothing in the world more than one of those old feudal customs which still hold their ground in the esteem of every English gentleman that has tenants. In fact, several hon. Gentlemen with whom I the other day conversed on the subject said to me, this feeling of feudalism involuntarily impresses the minds of English gentlemen, and they become imbued with it without being in any way conscious of the operation. I hope, then, that in the spirit of the constitution we shall unite in carrying out this Act, which declares that it is our duty to secure to the elector the right of voting freely, as it declares the elector's duty to do so indifferently. I hope you will remedy all the imperfections of the law, by adopting that which is the only effective means of carrying out the spirit of the constitution, and I here assert that the ballot is a remedy in perfect consonance with the spirit of the law and principles of the constitution.

LORD JOHN RUSSELL: Sir, my hon. and learned Friend has entered so deeply into the arguments which have been from time to time brought forward on this subject, that I cannot leave altogether unnoticed the speech which he has just addressed to the House. My hon. and learned Friend began by stating that publicity cannot be a part of the constitution, because he finds that by two ancient statutes it is provided that no one shall disturb electors by force of arms or otherwise in making free elections, and that electors shall vote freely and indifferently. That, no doubt, is the spirit of the ancient statutes—that no doubt is the spirit of the constitution; but those who framed those ancient statutes, although they must have been perfectly aware that it was in their power to enact secret voting, never seem to have considered that it was necessary for them to do more than to declare that such should be the principle, leaving it to the Executive Government or others to put in action the law against any who attempted by force of arms or otherwise to disturb the electors in the exercise of their rights. They never enacted that secrecy should be had recourse to. Nay, more, although in 1780, and from that year till 1785, there were a considerable body of people, including some of the best persons in the kingdom—among them Mr. Fox and Mr. Pitt—who were great friends of Parliamentary Reform, the only notice which we find of secret voting is in a memorandum among Mr. Wyvill's papers, very strongly against the practice; so that, until of late years, that proposition which my hon. and learned Friend seems to think is part of the constitution, was never even suggested. I presume, therefore, that secrecy at all events, is no part of our constitution. But the argument which I think was used by my noble Friend the Member for Tiverton and myself, with regard to the constitution, was rather different from that which my hon. and learned Friend stated. It was the second argument which he noticed—namely, that publicity is the usual rule and practice, I wil not say of the constitution, bnt of this free Government; and that is a proposition which I think neither my hon. and learned Friend nor anybody else has ever shaken. It may be desirable to make an anomaly—it may be desirable to make an exception to our other practice; but we know perfectly well, that with regard to all other matters persons who are charged with any duty have to perform that duty in public; have to state what it is they have done, and their reasons for doing it. If a First Lord of the Admiralty for example, treats with any of the junior Lords and says that which is thought exceptional, the matter is brought before this House, a statement is made in accusation, another statement is made in defence, and on the next morning the whole public of the three kingdoms will be enabled to judge which was right and which was wrong; whether the First Lord of the Admiralty has exercised the great duties entrusted to him with a due regard to the public service, or whether he has injured the public welfare. No one would think of saying, "The First Lord of the Admiralty is a high executive officer charged with great powers of State, and he must not be questioned as to what he says or does to those who are associated with him." No man would be able to stand up for five minutes and maintain such a doctrine. The First Lord of the Admiralty, like everybody else, is obliged to state what he considers to be sufficient reasons for his conduct. So with regard to our whole Government:—people may deliberate, Cabinets may deliberate; but when a Cabinet has made up its mind, the Members come and state in Parliament what has been determind on, and the whole public or the realm judges of their act, whether it is calculated to be beneficial or injurious to the public welfare. In the same way our whole system of the administration of justice is carried on. Whether it be the Lord Chancellor, or the Chief Justice of the Queen's Bench, or any other high judicial functionary, he states what in his opinion is the law, and what justice requires in any case that comes before him. Be it a trial of some person accused of libel; be it a trial of a man accused of high treason—in either case the whole proceedings are public to the world—everybody knows the arguments that have been used;—first by the officers of the Crown, next by the counsel for the defence, next by the Judge sitting on the bench, and lastly, what is the decision of the jury; and, although the jury do not state the reasons on which their decision is founded, every one has the assurance that it is the verdict of them all. So that in our whole system of government, publicity appears to be an inherent quality. I do not say that it may not be right that elections should be altogether free from that obligation of publicity. I am not arguing at this moment that it may not be necessary that they should be so. What I am arguing is, that at all events it would be a contravention of all your customary practice, and would not be in conformity with anything with which we are acquainted in the usual mode of carrying on either affairs of State, affairs of justice, or political affairs in this country. But now comes the question whether publicity is of use in this matter of giving votes for Members of Parliament. I do not think that it has ever been thoroughly weighed what would be the consequence, supposing you could have complete secrecy. People speak of the influence exercised by landlords over tenants, and say that it is very wrong that landlords should exercise that influence. I quite agree in that opinion, and I quite agree also that it is very wrong that customers should exercise their influence over tradesmen. But there are other influences which may be at work, and which I believe would be at work if you could ensure perfect secrecy; and I come here to that question which my hon. and learned Friend has argued so acutely, and with that ingenuity which he always has at command—namely, whether or no it is a trust. I do not say that this trust of the elector is in perfect analogy with an ordinary trust in the eye of the law, or that there is any particular class of persons that can be compared to the *cestuis qui trustent* to which my hon. and learned Friend alludes; but I contend that the whole community, whether electors or non-electors, have a deep interest in knowing how the votes are given which elect those who are to dispose of the welfare of the State. I remember that in 1832, when I was speaking on this subject, I said that we did not intend to deal with it in the Reform Bill, but that I hoped when it was under consideration those who voted for it would remember that, while it might prevent bad influence over the good, it would also prevent good influence over the bad. I am of that opinion still. I can conceive a constituency where the numbers on each side are pretty equally balanced —say 200 on each side—and there may be twenty votes which would decide the balance either way. There may be a man who has influence with those twenty votes, who has them pretty much at his command, who has spoken loudly upon the Committee on one side, who has protested his attachment to it, has written placards and made himself very conspicuous. But a day or two before the election he finds that he can get so good a bargain on the other side, either by accepting Government patronage for himself and his friends, or some other advantage, or even in the course and gross form of money, that he determines that he and his nineteen voters shall go the other way, in behalf of which he has not spoken and in favour of which he has not declared himself. When the election comes on, there is great surprise to find that the side which expected 220 votes has only 200, and the other side has 220. By the secret mode of voting, as I understand it—though there is now said to be some new contrivance by which every man's vote may be known if necessary—nobody would know who the persons were that had declared on one side and voted on the other, whereas by public voting you could mark such persons at once, and generally speaking, especially if they had received some advantage by it, they would be held up to reprobation. That is the advantage of publicity. As to the modification in my opinion, to which the right hon. Gentleman the Home Secretary alluded, I confess I have modified my opinion this far — that I do not think if this mode of voting were adopted that it would lead to those injurious consequences which I formerly anticipated. I will explain why I think so. I used to argue that it would introduce so much deception and concealment, so much desire to pretend to that which a man was not, as to have an injurious influence on the character of the English people. After further reflection and experience I do not believe that such injurious consequences would ensue. I believe the character of the English people is such — and the experience we have of America and our Colonies confirms that view—so great is the warmth and eagerness about elections, that almost every man makes his opinions known beyond the power of anybody or any mode of voting to conceal them. I cannot conceive that that should take place which Sidney Smith in his pamphlet says is necessary,—that a man must go to the wrong parties, dine at the wrong houses, make the wrong speeches, give the wrong toasts, and sing the wrong songs. I do not believe either farmers or tradesmen would go through such a course of hypocrisy. A man who rode to the election on his horse, and who talked all the way of his attachment to Sir Thomas, what a good Member he had been, how much he had done for the county, and protested that he should give him a plumper, would scarcely be likely to go to the polling booth, and secretly put in a vote against him. I believe that such is the character of the English people that a mode of secret voting would make very little difference in this respect. At the same time, publicity is the rule of English society and of the English political system. No doubt there are a certain number of persons at every election who are ill-used — who are told that they must vote for their landlords when they do not wish. That is a great hardship, but I believe it is much less frequent than it used to be. I do not believe, with the hon. and learned Member for Aylesbury, that there is a sort of feudal spirit which makes a landlord say, "I expect all my tenants to vote with me, or I will deprive them of their farms if they do not." I believe there is a general concurrence—the opinions of the landlord are generally those of the tenant, and those of the tenant the opinions of the landlord; they vote together harmoniously and with great agreement of opinion. No doubt there are cases of hardship, and especially at general elections, but, in comparing this evil with the advantages which we enjoy ftom publicity, I cannot but bring into the scale all that has been done for freedom in the course of our history by men coming boldly forward and stating what they were for and what they were against. Men from the very earliest times have exposed themselves in this way to be imprisoned and to suffer hardships such as those which have been inflicted of late years on the subjects of the King of Naples. In late times men have exposed themselves to be tried for high treason for professing attachment to the principles of the French Revolution, and in later times still men have voluntarily undergone great disadvantages for the sake of expressing their opinions freely. Our freedom depends in a great degree upon that feeling of independence, upon that determination to do and say what a man thinks is right which is shown in his contempt of trial and sufferings. Nobody has proposed secrecy in anything else but voting, but in the case of voting it is said there ought to be this anomaly. I do not think it would have any great effect, but it would in some degree weaken that self-assertion, that habit of declaring their opinions, which I think belongs to the character of the English people. Look at France—there they have had the ballot under all forms of Government. So far from favouring freedom, the power of secret voting there, as it appears to me, has made the voters timid, has made them inclined to favour the Government of the day—the Government which had the superior force, instead of each man standing manfully forward and asserting his opinions boldly. These views will incline me to oppose this Motion; but if at any time hereafter it should be carried I shall not believe that any very great public injury will flow from it, because I think that in this country declaration of opinion is so much our habit, and our public liberties are so well established, that no mechanical contrivance of this sort can seriously injure them. I have never heard of any example of a country where the ballot did good, and I am afraid that in this country the balance of advantages would be against it.

VISCOUNT PALMERSTON: My hon. and learned Friend the Member for Aylesbury has so pointedly alluded to me in his speech that I am sure the House will pardon me for making a few remarks on the Motion before us. There is one maxim laid down by my hon. and learned Friend in which I entirely agree, and I venture to say that of the justice of his maxim his own speech furnishes a most remarkable illustration. My hon. and learned Friend told us that there is no more fruitful source of error than the misuse and the misapplication of legal terms. I never heard a speech which was a better illustration of that maxim. I never heard a greater tissue of refined fallacies in my life. He began by quoting a statute which was directed, from the very words which he read, against preventing electors by force of arms from going freely to the poll; and he applied that to the case of a law which should prevent voters being influenced by motives in giving their votes. Why, Sir, everybody must see from the very words that that statute is applicable to a totally different state of things from that against which the ballot is levelled. My hon. and learned Friend went into a long and ingenious argument, founding himself entirely upon the circumscribed technicalities of the Court of Chancery as to the meaning of the word "trust" and he was pleased to say that I and my noble Friend the Member for the City were quite wrong in saying some time ago that the electoral franchise was a trust held by the electors for the rest of the community. And my hon. and learned Friend says the term trust refers only to beneficiary interests. He contends that because the Court of Chancery apply one particular meaning to the word "trust," there could only be one meaning to it,—the Chancery meaning; and consequently our meaning was logically incorrect, and I and my noble Friend were logically wrong, and knew nothing of the meaning of the words we were using. But I still venture to submit that the words "trust" and "trustee" have a larger meaning than that which my hon. and learned Friend and the Court of Chancery apply to them, and that a person may hold his vote in trust as trustee for the whole nation, even though that definition may not come within the meaning of the technicalities upon which the argument of my hon. and learned Friend was founded. I therefore dispose entirely of the speech of my hon. and learned Friend. I again avow the opinions which I have always expressed—and indeed they are more against the proposal of my hon. Friend the Member for Bristol upon his statement made this evening, than before—because on former occasions as far as one could understand the argument, this measure of secret voting was not to be absolutely imperative. But now we are told that it is to be absolutely a gagging Bill—that it is to be compulsory, and that no man is to tell, I will not say another man, but even his wife, what vote he has been giving. We all recollect the words of the Roman poet describing the most miserable condition of man—*et intus Palleat infelix quod proxima nesciat uxor.* My hon. Friend is for putting the whole electors of England, Ireland, and Scotland into that wretched condition. They are to be protected against the inquisitive inquiries even of their wives, and are to keep the secret in the inmost recesses of their hearts. This is a sort of tyranny to which the people of this country will never submit. You may pass what law you please, but you cannot overbear the natural tendencies, feelings, and spirit of the nation. The British nation will disobey such a law. They will rebel against it. They will not submit to a coercion which I say is perfectly unjust, and with all deference to my hon. and learned Friend, contrary to the principle and spirit of the British constitution. How will you enforce it? A law which merely says you shall vote secretly is of no value unless there is a penalty on its violation. Will my hon. Friend the Member for Bristol impose fine and imprisonment on any man who tells for whom he voted? He must do that or his enactment would be perfectly nugatory. As my noble Friend the Member for the City of London has said, every yeoman who goes to the county poll or every tradesman who goes to vote for his borough will be boasting of his party feelings, and expressing approbation of one candidate and condemnation of the politics of another. Such is the nature and character of Englishmen that you can never compel men to be silent on such a subject. They may be made to put pieces of paper into the ballot-box, but they will scorn to keep their political sentiments secret, and will incur the fine and imprisonment which my hon. Friend must impose if the Act is to be operative at all. I say then that if this secret voting is compulsory it will be a tyranny to which the people of this country will not submit; and, moreover, it will be totally nugatory. You must make a general election to be like a Quakers' meeting. No man must utter what his opinions are—there must be no converse, no mutual confidence. There must be no canvassing, no committees, no friends urging the merits of this candidate against the demerits of the other. The whole must be a dumb proceeding. No man must give utterance to his political feelings, however deeply they may engross his mind—no man must confess his partialities or his prejudices—all must be done in silent sadness—no human being must be aware of what another is going to do. Is it not ridiculous to suppose that such a process can by Act of Parliament be carried into effect? I say again, Sir, it is absolutely absurd. I, moreover, say it is trifling with Parliament and the country to propose a law which from its very nature would be entirely inoperative, and, which, if operative, would be repugnant to every feeling which animates the British heart. We are told that it is to be an Act for purity of election; but I say, if operative, it would be a demoralizing law. Instead of an Act for purity of election, it would be an Act for the encouragement of fraud, of falsehood, and of corruption. I say it would be an encouragement of fraud, because, make what machinery you may, I defy you to make any machinery which will not be liable to immense frauds in giving votes. Wherever vote by ballot has existed frauds to an enormous extent have prevailed—in America, in France, and in Australia. We know that it has been so in America. The American case has been the ground upon which hitherto all the champions of the ballot have stood as the battle-field; but that is now given up. My hon. Friend the Member for Bristol says he never did take America as his ground; but I say that the original arguments in favour of the ballot were founded on the example of America. In America we know that, so far from the ballot being secret voting, it is merely ticket voting. The man goes up with a ticket in his hat; and the only reason, as I am informed, why he votes by ticket instead of *vivâ voce* is, that the vote is for several offices at the same time — the Governor of the State, the Treasurer, the judicial officer, and others —and it is more convenient that all those votes should be on one paper, instead of a number of votes being given separately. I say fraud would exist to a great extent, because you may depend upon it you could not, by any means you could invent, prevent contrivances, by which an undue number are given to one candidate and a number taken unduly from another. As to falsehood, can any one pretend that it would not be a source of falsehood to a great extent? Assuming that there are now landlords and masters manufacturers who want to sway those who hold farms of them, or are employed by them, will these people be cheated by your Bill? What will they do? They will go to a tenant or workman when an election is coming on for a county or borough and say, "My friend, such a candidate is a very good man and I hope you will vote for him." The tenant or workman may say, "Things are altered now. We vote secretly. I can't promise." The reply will be, "I beg you will promise. I know you are a man of your word and will do what you promise, and I insist on your giving me a promise." The same coercion which it is now asserted is used — though I believe much less than is alleged — to make a man go openly to the poll will be used for the purpose of extorting from him a promise to give a secret vote in the sense which his employer or landlord wishes. Suppose the man refuses and says, "I will make no promise," is it not plain that the same penalty which it is said attaches to a man voting against his landlord or employer now will be inflicted then? Suppose the man gives his promise and breaks it. I say a man is deeply degraded who makes a promise, knowing he will not fulfil it, and if he votes as he promises, and that promise is extorted from him, he is in the same condition as if he votes openly under coercion without any promise at all. You do not relieve him from the difficulty the least in the world by enabling or compelling him to vote secretly, instead of going openly to the poll. Therefore, I say, that the measure would be demoralizing to a greater degree than any of the abuses which are now alleged to exist, and which, I believe, are diminishing from the effects of publicity every time there is a general election. But I will say with all deference to my hon. and learned Friend, that secret voting would be at variance—I will not say with the constitution, because, that is perhaps a legal and technical expression, but with the spirit of the constitution, and with the spirit of the practices upon which our liberties rest. I say that publicity is an essential element in the British constitution—that, whatever political functions are exercised by any man for the good of the country, it is essential to the welfare of the nation that those political functions should be exercised subject to the responsibility which rests upon him as a Member of the State, and that if you begin by withdrawing political functions from publicity in their exercise, you aim a fatal blow against that which I maintain to be the foundation of our liberties. It is a play upon words to say that electors do not hold their votes in trust for the benefit of the nation at large. I say that if you had universal suffrage in the widest sense of the word—if every man, woman, and child, who could speak possessed the right to vote, every such individual would hold his vote in trust for the benefit of the whole nation, and that the votes, even universal in the strictest sense of the word, ought to be public, in order that the country might know how each individual has performed his duty towards the country. We know that in one of the Greek Republics there was a law which said that when civil questions arose no man should be permitted to be neutral; that every one should declare which side he took; and I say the principle applies as well to the British constitution as to that of the Greek republic. Depend upon it that the man who shrinks from making known his opinions upon public affairs takes a course which does not accord with the trust reposed in him as a good citizen, and does not contribute to that healthful spirit of freedom which exhibits itself in the boldness and fearlessness with which men express their sentiments on political differences and with regard to Political men. I think a measure which tends to withdraw political feelings from their public expression—which makes men go, I will repeat it, in a cowardly way, sneaking up to the poll to put a ticket into a box, hardly daring to allow to be seen which way the hand turns for fear of the vote being detected—is inconsistent with what we are accustomed to consider English, and inconsistent with the principles of our constitution. I think that such a Bill will be a delusion if those who propose it imagine they are advocating purity of election and improvement of the constitution. As to bribery, no man will tell me that the ballot will be a remedy against bribery. Why the election agent in any borough or county in which parties are nearly balanced will come to the candidate and say, "I have the promise of a certain number of votes," say tens or hundreds, as the case may be; "their terms are so and so; if they are granted you will be elected, but you will not be elected unless certain considerations are agreed upon between you and them." Well, those terms will be agreed upon, and the candidate will be returned. Why, Sir, it is much more difficult to detect bribery committed in that manner by secret voting, than at an open election, when every voter goes publicly to the poll; when his vote is known and the influences can be ascertained that led him to vote in that particular direction. Sir, I contend that this is not a measure deserving of the support and approval of Parliament; and I was glad to find that in one of the fullest Houses we have had for a great length of time, and in which this question was put to the vote, certainly without debate, but when every man was called upon to vote according to his opinion, an immense majority voted against this measure. And although my hon. Friend the Member for Bristol and one or two other friends of this Motion withdrew, yet their absence was counterbalanced by the absence of the Chancellor of the Exchequer, the First Lord of the Admiralty, and the noble Lord the Member for King's Lynn, who, I take for granted, would all have voted against the Motion and, therefore the balance of seceders from the division between the two parties was about equal. If this measure is carried—if electors are to be screened against any possible inconvenience occurring from the votes they give for Members of Parliament—on what possible principle and analogy, to use the phrase of my hon. and learned Friend, could you refuse to extend the same "protection" to Members of this House? We stand to the country in a similar position to that of our electors. The Members of this House are just as liable to sustain personal inconvenience from their votes as are the electors at the hustings. There are many Members, for instance, who have spent a great deal of money upon their canvass, and who will sustain greater pecuniary loss by the manner in which their votes may be resented by their electors than the tradesmen of the town they represent can suffer from the vote they give. Every principle, therefore, that leads to the application for secret voting for electors would go fully to prove that the ballot ought to be the mode of voting of Members of this House. But I think such a charge would be a great misfortune. I should deprecate it exceedingly. I say that this measure, instead of being one of progress, is a measure of retrogression. Of late years everything has tended more and more to publicity in regard to all the transactions of life. Sir, the proceedings of this House used to be secret to a certain degree. Of late years we have more and more laid open to the public everything that is done within these walls. First, our debates and then our divisions were made public. I remember the time when no authentic list of our divisions was published. It was a great improvement which we adopted on the Motion of Mr. Hume in order that the country might know how every man voted on every question. Well, publicity is the rule through the whole of our proceedings. And now, forsooth, the advocates of popular rights and principles come upon us and ask us to establish the principle of secret voting. I am surprised that those who are the advocates of popular rights and liberties should advocate such a system. Why, Sir, take the operation of the Bill as regards the unfortunate electors who are to be the objects of its protection. It is said that now, when a tradesman votes against the wishes of his chief customers, or the tenant against his landlord, he is liable, the tradesman to lose the customer, or the tenant to lose his farm. But what would be the state of the case if the principle of secret voting were rigidly carried out? Why this,—that no man would employ a tradesman whose political opinions were not known to be in accordance with his own. No man would take a tenant who was not known to be of his own way of thinking in politics. An instance has been mentioned of a tenant who lost his vote for his political opinions, and a wish has been expressed that some good Liberal landlord would give him a farm. But it appears to be forgotten that this could in all probability only be done by a landlord turning out some other tenant whose political opinions differed from his own, and this would be the process carried on extensively under the ballot system. The secret vote would only substitute for one mode of coercion another more odious, and which could be practised in a manner more likely to escape public notice. A gentleman would select tradesmen of his own opinions, and would employ no one else. He would say to a tradesman, "I know you, and that your political opinions are right; I will employ you and I will not employ the other man, who will vote against us." So of the tenant to whom he would let a farm. The landlord would say, "Are you a Whig, or Conservative, or Radical?" as the case may be; "if you are not of my opinion go elsewhere for a farm." We should thus have the most odious inquisitions established in the relations between the customer and the tradesman, the landlord and the tenant. I say, therefore, I retain my opinion that if this measure could be enforced, it would be tyrannical, unjust, and inconsistent with the fundamental principles of the British constitution. But I am sure that it would never work, and that it would prove a nullity. My hon. Friend the Member for Westminster says that we can amend the details and machinery in Committee. But my objection is not as to the details but as to the principle of the measure, and I am glad to find that Her Majesty's Government have determined to oppose the introduction of this Bill.

Mr. A. MILLS said, he had listened with the greater satisfaction to the very able speech of the noble Lord the Member for Tiverton, since it came from a leader a large number of whose followers were supposed to entertain views upon this question which differed from his own. He had also listened with satisfaction to the language which had been employed upon that occasion by the noble Lord the Member for London, because the paragraph in the noble Lord's address to the electors of the City which related to the Ballot had created in his (Mr. A. Mills's) mind considerable doubt as to the course which he meant to pursue upon that subject. That doubt had, however, been entirely removed by the clear and decisive speech which they had heard from the noble Lord that evening. With respect to the main question, after the subject had been debated and discussed for twenty-four years, during which time there had been not less than sixteen debates and divisions, it was not so much a matter for debate as for division. The noble Lord, however, had stated—that in that opinion he (Mr. A. Mills) entirely concurred—that the publicity given to all the proceedings at our elections offered a most important guarantee for the maintenance of our national liberties. The United States of America, France, our own Australian colonies, and other countries had tried the experiment of vote by ballot, and it had not by any means been found to be one of a successful character. But it was said that the ballot would prevent corrupt practices at elections, and Parliament was asked to try the experiment. It had been tried. About two years ago the late Member for Lambeth was a candidate for the representation of Reigate. There was a sort of Liberal sweepstakes and it was determined to test the merits of the various candidates by the ballot. On this particular occasion Sir Henry Rawlinson obtained the majority, whereupon Mr. Wilkinson wrote a letter to *The Times* expressing his regret that he had not been chosen by the electors of Reigate, and asserting that irregular agencies had been used in this mode of his own selection. He (Mr. A. Mills) believed that they could not have the ballot at elections without extending it to the divisions in that House. He had upon one occasion stated to an hon. Member his surprise at the vote he had given on the Motion of the hon. Member for North Warwickshire for the cessation of the Maynooth grant; and the reply he had received from that gentleman was, that he could not help the course he had taken, as he represented a Scotch constituency. There could be no doubt that a pressure was put upon Members of that House by their constituents; but he believed that they were all strongly indisposed to adopt in their proceedings the system of secret voting. He thought the ballot was nothing more nor less than a plausible imposture, and he believed the people of England would not at any price have it at Parliamentary elections.

Mr. CONINGHAM said, he could not allow the observations of the noble Lord the Member for Tiverton with respect to the late division to pass without a word of reply. He denied that the vote the other night could be taken as a test of the opinion of that House. The question then under consideration was the Resolution of the noble Lord the Member for the City, and a large proportion of the Liberal Members did not deem it expedient to encumber that Resolution with a question upon which their party was to a certain extent divided. They therefore declined to take any part in the division. He thought the ballot suffered from being brought forward as an isolated question. It ought to form a necessary part of a Reform Bill, along with a large extension of the franchise, and the disfranchisement of the smaller rotten boroughs. The case of Reigate could not be adduced as a fair trial of the ballot, and he had no hesitation in saying that if it were tried in a large constituency, under the authority of an Act of the Legislature, the result would be highly satisfactory. The Government had determined to meet the present Motion with a direct negative; but he would remind them that their leader in former years was in favour of the ballot, Some years ago the right hon. Gentleman. in an address to the electors of Marylebone, said—

> "With this conviction I am desirous of completing the machinery of the constitution by two measures which will invest the people with a power which was once their birthright, and with a security which I hope their children will inherit. These measures are triennial Parliaments and election by ballot; and unless these measures be conceded I cannot comprehend how the conduct of the Government can ever be in harmony with the feeling of the people."

How did the right hon. Gentleman reconcile that statement with the vote which he was now about to give against the Ballot?

Mr. H. BERKELEY replied: He had been astonished, he said, by the speeches of the two leaders of the Liberal party. That party had for some time been looking in vain for a little unanimity on the part of the noble Lords, but now they had it with a vengeance. The noble Lords, so long at variance, now took their stand side by side on the ballot-box, like the two Kings of Brentford smelling at one rose. It was, perhaps, a happy thing for the party that their two great leaders were found to agree upon any one subject, but he was sorry to say that while they agreed between themselves they disagreed from the great mass of their followers upon a vital and important question. The speeches of the noble Lords contained more flagrant and audacious rubbish than he had ever listened to before in the whole course of his life. That of the noble Lord the Member for Tiverton was worse than anything he had uttered even in his most jaunty moments. The noble Lord had talked of his putting a man in gaol, not allowing him to speak to his wife, and Heaven knew what besides. He never said anything of the sort, but he had no doubt that what he did say was applicable to the noble Lord as well as to other people,—namely, that he did not always tell everything to his own wife. Again, the noble Lord in his light offhand manner had spoken of an elector going to the polling booth with a manly English front, while under the system of the ballot he would be obliged to record his vote in a sneaking fashion. How would the noble Lord himself feel if he were liable to be turned out of house and home for the manner in which he gave his vote? The noble Lord under such circumstances would be very glad to take shelter in the constitutional refuge of the ballot. The other noble Lord—leader No. 2, as he might call him—the Member for the City, had repeated that eternal remark of the franchise being a trust. Well, supposing it was a trust, everybody knew what the conditions of the trust were—that a man should vote fairly and honestly according to his conscience. If, therefore, an elector could not give his vote openly without exposing himself to undue and sinister influences, let him do it in secret, and what harm could follow? Such was all the answer that he thought it necessary to give to that sort of rubbish. But the noble Lord, forgetting his history, had said that the ballot was never heard of until 1780. Why, was not the noble Lord aware that a Bill establishing the ballot passed through the House of Commons in 1710, and was thrown out in the House of Lords, like many a good measure before and since? The noble Lord the Member for Tiverton had charged him with having walked out of the House on a former occasion in order to avoid a division on the ballot, and had stated that his absence and that of some of his Friends was balanced by the absence of the Chancellor of the Exchequer and somebody else on the other side. A modest statement to make, truly! Why, the noble Lord knew as well as he did himself that there were 140 Members who did not vote upon that occasion because it was not an opportune moment. Yet the noble Lord broke away thus in his light, airy, jaunty manner; his speech was cheered by hon. Gentlemen on the other side who disliked the ballot, and at the conclusion of his performance he sat down a perfect hero in his own estimation.

Motion made, and Question put—

"That leave be given to bring in a Bill to cause the Votes of the Parliamentary Electors of Great Britain and Ireland to be taken by way of Ballot."

The House *divided*:—Ayes 99; Noes 102: Majority 3.

List of the Ayes.

Adair, H. E.
Alcock, T.
Atherton, W.
Ayrton, A. S.
Barnard, T.
Bazley, T.
Berkeley, F. W. F.
Bethell, Sir R.
Bouverie, rt. hon. E. P.
Brady, J.
Brocklehurst, J.
Bury, Visct.
Butler, C. S.
Byng, hon. G.
Calcutt, F. M.
Cheetham, J.
Clifford, Col.
Clive, G.
Coningham, W.
Copeland, W. T.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Dalglish, R.
De Vere, S. E.
Dillwyn, L. L.
Duke, Sir J.
Ellice, E.
Elton, Sir A. H.
Esmonde, J.
Evans, Sir De L.
Ewart, W.
Ewing, H. E. C.
Ferguson, Col.
Foley, H. W.
Forster, C.
Fox, W. J.
Freestun, Col.
Gilpin, C.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hutt, W.
Ingham, R.
Jackson, W.
James, E. J.
Keating, Sir H. S.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Langton, H. G.
Locke, John
M'Mahon, Patrick.
Marshall, W.
Mellor, J.
Moffatt, G.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Ogilvy, Sir J.
Onslow, G.
Osborne, R.
Paget, C.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Price, W. P.
Ramsden, Sir J. W.
Ricardo, O.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Salomons, Ald.
Samuelson, B.
Schneider, H. W.
Scholefield, W.
Smith, J. B.
Somerville, rt. hon. Sir W. M.
Stuart, Col.
Sullivan, M.
Thompson, Gen.
Thornely, T.
Tollemache, hn. F. J.
Villiers, rt. hon. C. P.
Vivian, H. H.
Westhead, J. P. B.
Whitbread, S.
Williams, W.
Young, A. W.

TELLERS.

Berkeley, H.
Shelley, Sir J.

List of the Noes.

Adderley, rt. hon. C. B.
Akroyd, E.
Bailey, C.
Baillie, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Beach, W. W. B.
Beaumont, W. B.
Beecroft, G. S.
Blackburn, P.
Bramley-Moore, J.
Bridges, Sir B. W.
Buller, J. W.
Burghley, Lord
Cairns, Sir Hugh M'C.
Cavendish, hon. W.
Christy, S.
Churchill, Lord A. S.
Clinton, Lord R.
Codrington, Gen.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Cubitt, Mr. Ald.
Davey, R.
Davison, R.
Deedes, W.
Disraeli, rt. hon. B.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, F.
Du Pre, C. G.
Elliot, hon. J. E.
Elmley, Visct.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Ferguson, Sir R.
Forester, rt. hon. Col.
Gard, R. S.
Gaskell, J. M.
Glyn, Geo. G.
Grogan, E.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, G.
Hayes, Sir E.
Henley, rt. hon. J. W.
Holdford, R. S.
Hopwood, J. T.
Hotham, Lord
Hudson, G.
Hume, W. W. F.
Jervis, Capt.
Kekewich, S. T.
Ker, R.
King, E. B.
Knight, F. W.
Langton, W. G.
Lefroy, A.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lisburne, Earl of
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Manners, Lord J.
March, Earl of
Miles, W.
Mills, A.
Morgan, O.
Morgan, Major
Mowbray, rt. hon. J. R.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakington, rt, hn. Sir J.
Palke, L.
Palmerston, Visct.
Patten, Col. W.
Peel, rt. hon. Gen.
Pevensey, Visct.
Puller, C. W. G.
Repton, G. W. J.
Russell, Lord J.
Saint Aubyn, J.
Scott, Major.
Somerset, Col.
Spooner, R.
Stewart, Sir M. R. S.
Sturt, H. G.
Trefusis, hon. C. H. R.
Vansittart, W.
Verner, Sir W.
Walcott, Admiral.
Whiteside, rt. hn. J.
Whitmore, H.
Wynn, Col.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

House adjourned at Ten o'clock

HOUSE OF COMMONS,

Wednesday, April 13, 1859.

Minutes.] Public Bills.—2° Sale of Grain, &c.

POSTAL SERVICE FOR NORTH AMERICA.

QUESTION.

Mr. MONSELL said, he would beg to ask the hon. Gentleman the Secretary to the Treasury, why certain Returns which he (Mr. Monsell) had moved for on the

31st March last, relating to the postal service for North America had not yet been made? He had studiously avoided anything which could place a limit on the time for the preparation of the Return, and he wondered it had not yet been made.

SIR **STAFFORD NORTHCOTE** said, the Government had communicated with the Admiralty and the Post Office Departments on the subject, and they had complied with the request from the Treasury; but there were some Returns required from the Irish Government which had not yet been received; but if they did not speedily arrive, he would have the Returns already obtained laid upon the table, so that those which were wanting might form a supplement to them.

CONVICT PRISONS ABROAD BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. **SOTHERON ESTCOURT** said, that this was in point of fact a Consolidation Bill, to unite a number of provisions scattered through a variety of Acts. It referred only to the establishments at Gibraltar and Bermuda; it provided for the appointment of a visiting justice or director of prisons at each place. The greater portion of the Bill affected only the penalties imposed for a number of offences within its scope.

SIR **GEORGE GREY** said, it was very desirable that the Acts on this subject should be consolidated. As he understood, no new offices were created, but a new name was given, and they were assimilated as to appointment to the corresponding offices in this country.

Bill passed through Committee.

House resumed. Bill *reported* without Amendment.

VEXATIOUS INDICTMENTS BILL.

SECOND READING.

Order for Second Reading read.

MR. **M'MAHON** moved that the Order be discharged. It was a most mischievous Bill, and he could not tell how it could have escaped from the House of Lords. It had not even been printed as yet.

MR. **SOTHERON ESTCOURT** admitted the matter was too serious to be disposed of at this period of the Session.

Order *discharged;* Bill *withdrawn.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Thursday, April 14, 1859.

MINUTES.] PUBLIC BILLS.—1ª. Consolidated Fund (Appropriation); Exchequer Bills(£13,277,400). 3ª. Savings Banks (Ireland) Act; Affidavits by Commission, &c.

THE THAMES WATERMEN AND LIGHTERMEN BILL.

PERSONAL EXPLANATION.

LORD **EBURY** hoped their Lordships would extend their indulgence to him for a few minutes, while he referred to a matter somewhat personal to himself. He was the more reluctant to trespass upon the patience of the House because he knew that their Lordships had assembled in greater numbers than usual for a far different purpose; but he had always understood that whenever a member of their Lordships' House was put in a position whereby his motives were liable to misconstruction, their Lordships were accustomed to afford the earliest opportunity for removing any imputation which might seem to attach to him. On Tuesday last a Motion was made by a noble and learned Lord (Lord Campbell) which certainly in effect called in question the proceedings of a Committee of which he (Lord Ebury) was the Chairman. He regretted that he was not in the House at the time, for he was not only willing to share in the general responsibility which attached to the individual members of the Committee, but to take to himself all the especial responsibility which attached to him in consequence of his being the Chairman of the Committee. The circumstances which gave rise to the Motion took place ten days ago. The Committee concluded its sittings on a Monday between two and three o'clock, and as he did not suppose that any notice was likely to be taken of their proceedings in the House, and having occasion to go into the country, he requested a noble Friend to present the Report of the Committee formally to the House. When the notice of the noble and learned Lord's Motion was sent to him, it was sent to his town house, and not to his country residence; and it was not until he saw the report of what had occurred in the House in the newspapers that he was aware there was any motion for the purpose of referring the matter back to the Committee. He had no intention whatever of seeking to reverse the decision which had been arrived at. He understood the Committee were blamed because they did not hear all the evidence which was tendered, nor hear counsel sum up the case. The fact was, that the opponents of the Bill adduced evidence which it took a whole day to hear, and at the termination of that day it struck both the Committee and himself that the testimony given against the Bill entirely proved the case of the promoters; and, under those circumstances, he indicated on the following morning that, with respect to the points on which they had heard evidence, the Committee were perfectly satisfied, but that they were ready to hear any evidence upon other points. Another day's evidence was received; but the additional witnesses only accumulated evidence upon the points already settled. On that ground the Committee thought proper to stop the case—on the ground that the testimony adduced against the Bill really went to justify the allegations of the preamble. He did not, therefore, acquiesce in the decision of the House, but he did not desire to alter it. He assured the House that he never saw a Committee more patient or more anxious to do justice to all parties. It had been his lot to perform an honourable, arduous, and it now appeared an invidious duty, and he accepted and took upon himself, without reluctance or hesitation, the whole responsibility of the proceedings of the Committee.

Lord CAMPBELL said, that no blame whatever was cast upon the noble Lord or the other members of the Committee. What had been stated was, that the case had been decided before the whole of the evidence had been heard, and the decision of their Lordships was grounded upon that fact.

FOREIGN AFFAIRS.

MINISTERIAL STATEMENT POSTPONED.

The Earl of MALMESBURY: My Lords, I believe it will be conducive to the interests of the public service that I should postpone the statement I have to make on our foreign relations until Monday next; and I trust that the courtesy and indulgence of your Lordships will allow me to defer it until that day.

The Earl of CLARENDON asked when the Ministerial statement upon that subject would be made in the House of Commons?

The EARL of MALMESBURY: On Monday also.

INDIA—VOTE OF THANKS TO THE GOVERNOR-GENERAL AND CIVIL OFFICERS—THE MILITARY COMMANDERS AND FORCES.

The Earl of DERBY: My Lords, the subjects are very few which a Ministry already condemned by a vote of the House of Commons can with any propriety submit to the consideration of a Parliament on the eve of its dissolution. Under such circumstances, which I am sure your Lordships will concur with me in thinking ought to last for as short a time as possible consistently with the exigencies of the public service. Under such circumstances the authority of the Ministry and of Parliament are alike weakened; under such circumstances—at all events within the walls of Parliament—the strife of political parties is suspended, and the ordinary legislation of the country has been put in abeyance, except with regard to measures of pressing and urgent importance, which it is impossible to delay, or measures of the most ordinary routine character, to which no one could object. But the Motion which I have to submit to the consideration of your Lordships this evening is one to which I cannot anticipate that any objection will be taken on the ground of the condition either of the Ministry or of Parliament. My Lords, it is one to which I anticipate no objection. It is one in which I am perfectly certain that the Government, in bringing it forward, would represent the feelings of this or of any Parliament that could be assembled; and it is one on which I am quite certain that the feelings of Parliament faithfully represent the general feelings of the country. Not only do I anticipate no objection to the Motion, but I rely with confidence, and I look forward with satisfaction to having any deficiencies—and there must be many in the statement which I am about to submit to your Lordships—supplied by the cordial support and co-operation of noble Lords whom I see opposite; and more especially do I rely on the support of those who, like the illustrious Duke on the cross benches (the Duke of Cambridge) or my noble Friend the noble Earl below the gangway (the Earl of Ellenborough), are enabled from their position and their knowledge to speak upon this question with an authority to which I can make no pretension. It is, moreover, I think, peculiarly fitting that at the close of the great and formidable revolt which has subsisted in India—when we happily see it brought to a satisfactory and a successful issue—it is peculiarly fitting that Parliament should not separate without expressing its sense of gratitude and the public estimation in which are held the services of those to whom, under Divine Providence, we are mainly indebted for the suppression of that revolt, and the restoration of public tranquillity. That revolt has subsisted for a longer period than the not very protracted existence of the present Parliament; and it is fitting that one of the last acts of that Parliament should be an expression of its gratitude for the suppression of that great and most formidable rebellion. The only question, then, which can arise is, whether we have arrived at a period when we are enabled to announce the satisfactory tidings that the revolt is completely suppressed. I would certainly not have delayed until the present period submitting to your Lordships a Vote in payment of the debt of gratitude which we owe to those who, whether in a civil or a military capacity, have aided in bringing the revolt to a termination, had I not hoped that the period was not far distant when I should be enabled to announce to you its complete suppression. And I rejoice to believe from the intelligence which reaches me, not only from all public sources, but also from every private quarter, that the period has arrived when we may say that the rebellion is altogether suppressed. The illustrious Duke on the cross benches has been good enough to communicate to me a letter addressed to him by Lord Clyde, which he received by the last mail; and I am sure that any of your Lordships who know that noble Lord would not believe that he would place anything in regard to the complete success of the great undertaking in which he has been engaged in a stronger light than the circumstances of the case warranted. These are Lord Clyde's words:—"I am happy to say that the tranquillity of the country is every day becoming more and more solid, and the Government have every cause for congratulation in this matter. Within my experience I have never known India more quiet than it now is." I might add to this, as the evidence of facts is still stronger than than that of words, that the Governor General, in his discretion, has felt himself authorized in sending back to this country a very considerable portion of the troops forwarded to India, including of course those who have seen the longest service and suffered the most severely. And, as a further proof, I may state that the same noble and gallant Lord to whom I have referred, and who is the last man to spare himself or to shrink from the discharge of any duty as long as he thought the country required his services, felt himself warranted, in the state of affairs, in returning to Simla for the purpose of there recruiting his health, which had been shattered in the course of those most trying operations. I think, therefore, I may assume without any further preface, that the time is come when we may congratulate ourselves on the complete termination of this dangerous revolt, and when we may offer the tribute of our public thanks to those by whom that happy result was obtained.

And the first person to whom those thanks are due is the man who stood in the foremost position, who has had thrown upon him the greatest share of public responsibility, and who has been naturally overwhelmed with the largest and heaviest weight of public anxiety. But in order fully to appreciate the services rendered by Her Majesty's Viceroy the Governor General of India, Viscount Canning, it is right that your Lordships should bear in mind what were the circumstances under which he assumed his present onerous office. Almost contemporaneously with the noble Lord's arrival in India there occurred the first appearance of disaffection in that country. A spirit breaking out which had for a considerable time been smouldering, and which was, perhaps, misunderstood and neglected; and just at the period when he entered on the duties of his arduous office he was encountered by the sudden explosion of that outbreak; at a time when he was necessarily unacquainted with many of the circumstances of the country which he was about to govern. That explosion not only took the noble Lord by surprise,—it equally took by surprise those who had the greatest experience in India, and upon whose councils it was most necessary to rely. It is no marvel, therefore, that Viscount Canning, on his first arrival, did not fully appreciate the magnitude of the danger with which India was threatened; but from the time —and it was not long—when he became alive to the full peril with which the empire was menaced, he applied, in grappling with the difficulties he foresaw and the dangers to be encountered, all the powers of a vigorous mind, all the faculties of an active and energetic disposition, and he endeavoured sedulously, diligently, and earnestly, to meet the great exigency by which he found himself suddenly surrounded. It is due to the noble Viscount to state that from first to last, calm, sagacious, resolute, he has pursued a tenacious, steady and consistent course—that he has never permitted his mind to be thrown off its balance by representations of exaggerated fear on the one hand or of extravagant and passionate resentment on the other. He has steadily watched the course of events; he has left untried nothing which could be done by indefatigable industry, by constant assiduity, and by the most patient and diligent attention to the details of business and to all the means by which this great revolt could be encountered. He has been constantly in communication—and I say it emphatically, in most friendly communication—with the Commander-in-Chief of Her Majesty's forces in India. He has brought to the consideration of the difficult problem which it was left to him to solve, and which he has had the happiness and the credit of solving, the characteristic spirit of an English gentleman and the sagacity of a professional statesman. I think that, considering the successful issue to which the noble Viscount has brought this great undertaking, your Lordships will not grudge him the tribute of praise and thanks involved in the Motion I am now submitting to you; and I believe your Lordships will also feel that Her Majesty could not have chosen a more graceful or a more fitting opportunity than the time at which the two Houses of Parliament are expressing their gratitude for the services of the noble Viscount, for testifying her sense of those distinguished services by raising him to the dignity of a British Earl.

My Lords, I hope that none of your Lordships will think that if you find omitted from this Vote of Thanks a name which appeared in the Vote of last year, it is thereby intended to involve the smallest slight or to impute any neglect of duty to the noble Lord the Governor of Madras. The fact is, my Lords, I think it of the deepest importance that Votes of this kind should not be made to assume a merely formal character, by conferring them on persons merely because they fill high positions without having had any important share in the events to which the Votes refer. It is no discredit to the noble Lord the Governor of Madras (Lord Harris) that from the circumstance of his Presidency having been itself free from any taint of revolt, and having contributed but slightly towards the suppression of the rebellion—although undoubtedly some of the Madras forces were engaged in this campaign—I trust your Lordships will think that no discredit attaches to the Governor of that Presidency, and that no slight to him is involved if his name is not included in the list of those to whom Parliament is now about to tender its thanks. I am aware that some surprise has been expressed at the omission from the Vote of another name—the name, not of a civilian, but of a most distinguished military officer. I have heard the fact commented on, and more especially by the noble and gallant Viscount behind me (Viscount Gough), who has himself personal experience and knowledge of the service of India, that the name of that distinguished officer, Sir Patrick Grant, is not included in the present Motion. But, again, I say that the omission of his name can imply no disapproval of and no want of respect to that gallant Officer, whose services are too well known to require any eulogium from me, and who has already been three times honoured with the Thanks of Parliament. But upon the present occasion his name has been intentionally omitted—first, because, although for a short time he held the nominal command of the army soon after the lamented death of General Anson, and although in that capacity I doubt not his services in Calcutta, in co-operating with the Governor General, were of signal advantage to the country, yet from the brief period during which he held that high command he had not an opportunity of appearing personally in the field. And moreover, I beg your Lordships to recollect that the Vote which I am now proposing is not a Vote of thanks for the whole of the services in the Indian revolt, but that it is limited to those services which have been rendered within the last fourteen or sixteen months, and which were not acknowledged in the former Vote of Parliament. The services of Sir Patrick Grant I need hardly say were included in that Vote; and it is on that ground, and upon that ground alone, that no reference is made to them in the Motion which I have now the honour of submitting to your Lordships' consideration.

But, my Lords, there is a noble Lord who, governing another Presidency, has contributed most largely, most beneficially, and most effectually to the suppression of this mutiny; and I believe I may state that hardly second to the exertions of Lord Canning himself have been those which have been made—and made so freely and so liberally, as well as with so much advantage to the public service—by Lord Elphinstone, the Governor of Bombay. My Lords, it would appear—whether or not in consequence of an earlier knowledge of India I cannot pretend to decide—that that noble Lord formed from the very first a more correct opinion than others of the extent of the danger with which that country was threatened, and that to his promptness and readiness in taking upon himself a responsibility which did not immediately attach to him—to his activity and energy of mind—the Indian Government were indebted for the early arrival of the first reliefs which they received—reliefs which at the time were most urgently required. From the very commencement of the revolt to the end the noble Lord devoted all the energies of his mind to its suppression and to the maintenance of tranquillity in that portion of the country over which his own authority extends. Fertile in resources, he had vigorously applied himself to meet the exigency and to grapple with each difficulty as it arose; and while he diligently laboured to maintain tranquillity in his Presidency he also made his arrangements most sedulously and carefully, so that all that he did fell in with and supported the general scheme and plan of the Governor General and of the Commander-in-Chief in the general operations in Central India. My Lords, Her Majesty has been pleased to signify to the noble Lord, and I had very great pleasure some time ago in communicating to him Her Majesty's intention, whenever the revolt should be brought to a close, of marking her sense of his services—not, indeed, by giving him a seat, which he already holds in your Lordships' House, but by adding to the dignity of a Representative Peer which he already enjoys that of a Peer of the United Kingdom. The last mail brought from Lord Elphinstone a grateful acknowledgment of the honour which Her Majesty was pleased to confer upon him, and modestly expressing an opinion—in which I am sure he stands alone—that the honour thus conferred upon him is far greater than his merits deserve.

My Lords, I hope that noble Lords who are connected with the military service will not consider that I am treating them with disrespect, or that I have any disposition to postpone the consideration of the claims of military officers to the public Thanks, if I follow the order which is laid down in the paper on your Lordships' table, and refer to the other civilians whose distinguished services are mentioned in the Resolution. There is one name to which I wish to call your Lordships' attention—one name not better known nor more highly honoured in India than it is in England. Two illustrious brothers have borne that name; both have distinguished it by the highest sagacity and the most devoted courage. One of them unhappily is no more. He has fallen in the actual service of his country too early to receive the information of those thanks and honours which Parliament was about to award him; but the other still survives, and I rejoice to think he has returned to this country. Sir John Lawrence has arrived in England within these few days; and I rejoice to think that he has arrived in time personally to know how he is appreciated by his countrymen, and he will be enabled, as a member of the Indian Council, to give his country that assistance which his great experience and knowledge of Indian affairs make so invaluable at the moment. He will perceive that the conspicuous part which he bore in the late mutiny has not been forgotten. He will find that his courage and dauntless resolution; the firmness with which, with the very insufficient means at his disposal, he met and sternly put down every appearance of disturbance in the district that had only been newly acquired to the British empire—the awe inspired by his name and the respect due to his character, by which he not only kept down every symptom of revolt, but, making his word law, he converted that country into another England, and called forth from it in the hour of India's extremity those levies and reinforcements to which in great measure the suppression of the revolt is due, have not been forgotten by the English people. There is another distinguished man who has distinguised himself in a civil capacity, and who on a former occasion was referred to in terms of just praise by the noble Earl who sits below the gangway (the Earl of Ellenborough), Mr. Bartle Frere, the Commissioner of Scinde. Perhaps his task was not so arduous as that of Sir John Lawrence, as he succeeded to a government in which much had been done before to tranquillise and settle the minds of the Natives, and to establish among the wild native tribes the blessings of a good and beneficent government. But to Mr. Frere is due the credit of having supported that system throughout, and of having maintained his province, when a great portion of India was in a state of disturbance and revolt, in a state of entire and unbroken tranquillity; and, my Lords, permit me here to say that though the duties performed and the services rendered by those civil officers are not so brilliant and dazzling as those of the military service, they are not less essential to the good government of India. Our hold on India must not depend solely, though it must mainly, on our military force; but the hold maintained by a military force sufficient for its purpose, must be strengthened and supported by the respect and esteem which the Natives entertain for those who hold all that unlimited authority in those distant provinces.

There is another distinguished civilian to whom I may refer. Mr. Montgomery the Chief Commissioner in Oude deserves our praise for the manner in which he had administered the civil Government of that province during the last year. Following immediately upon the suppression of the revolt, he, by his judicious, wise and humane measures, with Her Majesty's Proclamation in his hand making the best use of the promises of mercy which that Proclamation held forth—by his wise and conciliatory conduct — by tempering mercy with firmness — Mr. Montgomery succeeded, to a great extent, in restoring tranquillity to a country which was but newly subdued and whose feelings were highly excited. Under these circumstances the speedy return to tranquillity reflects the highest credit upon that civil authority which had the chief conduct of affairs. I may mention here—and I am sure the information will be received with satisfaction by the House—that in consideration of these services of Mr. Frere and Mr. Montgomery, Her Majesty has been pleased directly to confer upon these Gentlemen the civil Knight Commandership of the Bath; and I think your Lordships will be of opinion that these distinctions were never conferred more worthily.

There is one more civilian to whose services it is necessary that I should refer —a gentleman who has had most arduous and difficult duties to perform. I allude to Sir Robert Hamilton, the Agent to the Governor General in Central India. I am sure that few of your Lordships can have any idea of the difficult and delicate services which gentlemen in the position of Sir Robert Hamilton perform. It is the duty of the Agents to the Governor General, accredited to the Native States, to watch with unremitting vigilance every, even the slightest, symptom of the rulers of those States faltering in their allegiance; to confirm the wavering; to stimulate those that are inclined to hang back; to keep in awe those who, if a favourable moment were to come, would fall off from their allegiance; and to watch with anxious jealousy the slightest symptom and indication of intrigue, in which, I need not tell your Lordships, every Oriental is a proficient; to watch and counter manœuvre the intriguers; to keep tranquillity unbroken; to overawe some and to persuade others; and by all and every means to maintain the authority of the English name. These, my Lords, are difficult and delicate duties, which require great skill, temper and patience—these are the services which, throughout these troubles in Central India, have been performed and successfully performed by Sir Robert Hamilton at the court of the Gwalior. His name consequently appears in the Vote which I have to-night the honour to propose.

In turning from the civil to the military branch of the service, and in asking your Lordships to give the Thanks of this House to those gallant officers whose names are contained in the Resolutions, I am aware— and I rejoice to think that it is so—that I shall not have occasion to call your Lordships' attention to circumstances of such deep and thrilling interest, and exciting such painful emotions as those which were commemorated on the last occasion when Your Lordships awarded your thanks for services rendered in India. We have —thank God for it!—during the last year, or last year and a half, to record no such horrors as the massacre of Cawnpore, no such atrocities as those which were perpetrated before the siege of Delhi; we have not had to watch with that painful anxiety with which day by day, during that memorable seige, we waited to see whether it was possible that success could crown efforts made with means so disproportionate to the opposition we had to encounter. We have not to watch, nor have we to recount to your Lordships the painful anxiety with which, mail after mail, we followed the steps of that marvellous advance of the lamented Havelock; we have not to wait and count the hours, how long the endurance of that devoted garrison will prolong the seige of Lucknow, and if we have not to recall that thrill of satisfaction with which we heard of their relief, neither have we to be reminded how those hopes were dashed to the ground when we learned that the garrison, though relieved, was still beleaguered; nor have we to recount the news of the final and complete relief of the heroic garrison under Lord Clyde. From events of such thrilling interest and anxiety the state of India is now altogether free; for however high public expectation may have been raised, still that expectation can hardly be said to have risen to a state of anxiety; for since the earlier days of the period to which I have now to refer, the progress of our arms has been one unbroken success, success to such an extent that a check of the slightest nature has given rise to a greater feeling of disappointment than prominence has been given to our greatest successes. Happily also this period has not been marked with such lamentable loss of distinguished lives as characterized the earlier period of the revolt. Doubtless many have fallen whose deaths have made fearful gaps in families and private circles—many who, if they had been spared, would have risen to the highest eminence and to most brilliant stations in the public service; but of those who already filled a place in the eye of their country, comparatively few have been cut off during the present year. To three names your Lordships will permit me to refer as those in which the country, as well as their families, have sustained a deep loss. Of the loss of one, mention has already been made in this House; but I am sure my noble Friends will excuse me if on this occasion I again refer to the brilliant services and the lamented death of Sir William Peel. To a bravery which almost verged on rashness, and a determination which bordered on the heroic, he joined those high qualities a frankness of disposition, an openness of manner, a cordiality of feeling, and private virtues which endeared him to his friends and those immediately surrounding him, as much as his public character and services raised him high in the estimation of his country. Others there were of a somewhat different character and of a different service, but there are two men especially in whose premature removal India at all events has sustained a deep loss. I need hardly say that I allude to two men, both of whom were the models of chiefs of irregular forces, which they formed, disciplined, and trained from among tribes who not long before had been our enemies, and who by the adoption of a rigid discipline, at the same time that they were most careful in their attention to the comforts, the wants, the desires, and even the prejudices of their followers, obtained over them an influence altogether marvellous, and led them into situations of difficulty and danger with as full and entire confidence in their steadiness as if they had been followed by British soldiers. One of those men died a soldier's death; the other unhappily succumbed on a bed of sickness to those labours which were too much even for him to endure. But it will be long before India—long before England—I am sure it will be long before the Punjab and Scinde will forget the services of Hodson's Guides and Jacob's Horse. With these exceptions the list of those heroic men who have fallen in the service of their country since the last year, as I have said, is not great, and I turn with satisfaction to the more pleasing task of commemorating the services and conveying the gratitude of the country to those who still survive to reap the reward of their valour. I think, my Lords, I need say nothing to your Lordships of the merits of the Commander-in-Chief. His eminent services speak trumpet-tongued of his merits; but I may say this, that in his career in India he has more than vindicated the high military character of which he gave promise in his earlier career, and with which he proceeded to India at a moment's notice at the call of his Sovereign. Cool and cautious in coming to a determination to such a degree that superficial critics charged him with slowness—eagerly anxious to spare the lives and labour of his men, while himself recklessly careless of exposure and fatigue—slow to deliberate and form plans, but sagacious in making his combinations, he determined not to strike till the time came for striking an effectual blow; but when the time came that the blow should be struck his enemies were shattered to pieces under the stroke. He knew when to strike; and those he encountered know that he knew how to strike. It may, perhaps, be convenient here—though it is impossible for me to attempt more than the faintest sketch of his operations, yet it may be convenient for me, as affording an opportunity of bringing under your notice the names of the gallant officers to whom I am about to refer—that I should remind your Lordships of the principal features of the campaign since the last occasion when your Lordships tendered to him a Vote of Thanks, immediately after the final relief of the garrison at Lucknow. The Commander-in-Chief at that time believed that he was unable, with his paucity of forces, to do more than withdraw—which in itself was a great achievement—the garrison which had been so long beleaguered, and the helpless women and children shut up with them. He felt it was necessary to fall back upon Cawnpore, in order to make preparations for further offensive operations, by establishing his communications and assuming a new base of operations. He arrived at Cawnpore barely in time to relieve General Windham, who was hard pressed by the Gwalior rebels, and by his opportune arrival he was enabled to convert what at all events appeared a doubtful day into a complete and brilliant victory. On that occasion, I believe for the first time—for of course such events to a man in his position must be rare—the command of a division was held by that distinguished officer, Sir William Mansfield, the chief of the staff. At the battle of Cawnpore Sir William Mansfield commanded one of the divisions, and by his skill and daring contributed greatly to the success of that day. In that battle, also, another gallant officer, Brigadier Walpole, of the Rifles, by his efforts and the manner in which he handled the troops under him, showed so much gallantry that General Windham handsomely stated the chief merit of that day was due to him. In recognition of the merits of Brigadier Walpole the Commander-in-Chief appointed him to the command of a division sent in pursuit of the rebels, and in command of that division he continued during the remainder of the campaign. In speaking of the services of Sir William Mansfield your Lordships need not be reminded how arduous and how important are the duties of the chief of the staff. He has not the same opportunity of distinguishing himself in a separate command that other officers have; but acting under the eye and in the name of the Commander-in-Chief he has perpetual occasions of performing the most signal services, and without the assistance of an able, energetic, and thoroughly trustworthy Chief of the Staff no Commander in Chief can hope so to conduct a campaign as to ensure success. It may be sufficient for me here to quote the words of the Commander-in-Chief as expressive of his opinion of Sir William Mansfield's services. After the relief of Lucknow, in March, 1858, he says:—

> "I have now the pleasing task of communicating to your Lordships the name of an officer to whom not only I as the Commanding General, but to whom in truth the service at large are under the greatest obligations—Sir William Mansfield, the chief of the staff, whose labours, energy, and skill have been of the highest order and of the greatest use to me during this campaign. It is impossible for me to praise this officer too highly or to recommend him sufficiently to the protection of your Royal Highness.

This testimony to the services of Sir William Mansfield will be best confirmed by the recital of the further progress of events. Immediately after the defeat of the Gwalior rebels at Cawnpore the Commander-in-Chief prepared to resume offensive operations. He proceeded to clear the Doab, and afterwards captured the fortified city of Futteyghur; and then he commenced operations for the final and complete conquest of Lucknow. When Lord Clyde proceeded to undertake the final seige of Lucknow he had under his command an amount of force which appeared wholly disproportioned to the enterprise. If I am not mistaken the European troops under his command did not number more than 13,000 or 14,000 men; certainly they were considerably under 20,000. They were met and strengthened, indeed, by some Napaulese troops, under the command of Jung Bahadoor, who amounted indeed to a considerable number; but with regard to whom it was not a matter of absolute certainty that entire confidence could be placed. It is due, however, to their gallant commander and to those troops, to say, that though circumstances from time to time arose which seemed to cast suspicion on their fidelity, yet they never swerved from their engagements, but faithfully performed all the duties allotted to them. I attribute this fact, in great measure, to the wholesome influence exercised on their minds, and above all on the mind of their gallant commander, Jung Bahadoor himself, by his personal acquaintance with the power and resources and irresistible force of this country. Immediately under the Commander-in-Chief, and after the Chief of the Staff, was Sir James Outram, who had been left in command at the Alumbagh. General Franks, from another side of the country, was fighting his way to the scene of action, and joined in the siege. The artillery was commanded by Sir Archdale Wilson; the engineers by Sir Robert Napier; the other divisions were under the command of Sir Edward Lugard, Sir Hope Grant, and Brigadier General Walpole. I mention these names because, though the statement I have to make may be unavoidably long (but not longer than the occasion demands) I wish to refer in detail to the services which each has performed. The earlier services of Sir James Outram during this rebellion are perfectly well known to your Lordships, who have not yet forgotten the noble forbearance and generous self-denial with which he met General Havelock, on his return from his first attempt upon Lucknow, when he abstained from superseding him in the command until the final relief of the garrison, and left that gallant officer to obtain that glory which he had so well merited by his previous efforts. After the relief of the garrison and the retirement of the Commander-in-Chief Sir James Outram was left with a small force in the exposed and perilous post of Alumbagh, and there he was exposed for several months to the constant assaults of an enemy ten times his force—assaults, however, which on every occasion he successfully repelled until the Commander-in-Chief again returned to the siege of Lucknow. Sir James Outram maintained his post, and in maintaining it he made it clear to the Natives of India that they were not to suppose that the retirement of the Commander-in-Chief was more than a temporary withdrawal. Against such an idea the maintenance of Alumbagh was a standing protest and a standing menace to the city of Lucknow; and no long time elapsed before that menace was converted into a reality. Sir Thomas Franks, in consequence of ill health, has returned to this country, and I think, my Lords, that this is a fitting occasion on which to call attention to the circumstances under which he gained the thanks and admiration of his country. Sir Thomas Franks was engaged on the other side of the Gogra, far from the scene of action, and in order to reach it had to force his way from the east through a host of hostile troops. In so doing, my Lords, that gallant officer exhibited qualities of the highest order, and qualities the more remarkable, because he succeeded in gallantly surpassing the Native troops in respect of an accomplishment in which they certainly are pre-eminent, namely, in the rapidity and secrecy of their movements; but Sir T. Franks, by the rapidity of his movements and his march, succeeded in meeting two important bodies of the enemy in battle by anticipating their junction—defeating two of them on the same day, prior to the possibility of their coalescing, and then upon either the next or upon the following day fighting a third battle. He thus succeeded in forcing his way, having fought three successful actions in the course of two days, in time to give his valuable assistance, and join in the achievements of the siege of Lucknow. My Lords, the course which Lord Clyde pursued—if as a civilian and an unprofessional man I may express such an opinion, and mention it in passing—the course that Lord Clyde pursued—the wise and humane course that Lord Clyde pursued—on the renewed siege of Lucknow, was not to risk the lives of his soldiers in a premature assault, or to attempt the storming of the town, from which great loss would have ensued, but trusted mainly to his artillery to secure its successful capture. That artillery breaching the walls of Lucknow, and battering down building after building, and narrow street after narrow street, assisted by the labours, the persevering and active labours, of the Royal Engineers, mainly contributed to the successful, and I may almost say bloodless, capture of Lucknow. The fire of the artillery was so true and deadly that it was impossible for the rebels to withstand its force. In consequence, they took an early opportunity, which the smallness of the force prevented our impeding, of altogether emptying and evacuating the town, and leaving to us almost a bloodless conquest; thereby vindicating the sagacity, the wisdom, and the prudence of the course pursued by the Commander-in-Chief. Sir Archdale Wilson's name is already immortalized by his command of the siege of Delhi; but with regard to the services rendered by that gallant officer subsequently at the siege of Lucknow, I cannot do better than quote Lord Clyde again, to show how he expresses himself upon the subject. Lord Clyde said—

> "The merits of Sir Archdale Wilson were too widely known to require any encomium from me; but permit me to express my sense of the services and the way in which I availed myself of the assistance of that most distinguished officer. The effective fire of the artillery during the long operations, which depended so much on the management of that arm, elicited general admiration."

My Lords, another officer who commanded

a division under the Commander-in-Chief, at the siege of Lucknow, was that very distinguished and able officer, Sir Edward Lugard. That gallant officer has recently been compelled, from the state of his health, to return to this country, where I trust his health has been already considerably re-established, and I know that I am only expressing the feeling of the illustrious Duke on the cross benches when I mention the satisfaction which I am sure he felt at being able to reward the services of so distinguished an officer in succession to Sir Henry Storks in the department of the War Office, by one so efficient, and in every way so fitting for the discharge of those duties as Sir Edward Lugard. It is a great satisfaction to find that the services, the active services, of that gallant and distinguished officer are not lost to the public at large, or to the gallant service of which he is so distinguished a member. My Lords, I have mentioned the name of most of those officers who, shortly after the siege of Lucknow, from one cause or another, returned to this country, or, at all events, quitted the field, like Sir James Outram, for the purpose of taking a place in the Council of India, or in other civil duties. My Lords, after the capture of Lucknow, when unfortunately the circumstances occurred which had the effect of driving and dispersing the rebels; but, at the same time, of distributing them over a great extent of country, in which their presence and number might have enabled them to do serious mischief, it was a question which was a matter of anxious consideration — and I recollect at the time—and noble Lords opposite will recollect—that it was made a subject matter of suspicion that there was some difference of opinion or some dispute as to the course pursued between the Governor General and the Commander-in-Chief. There was, my Lords, a most important question to be decided, and one upon which strong arguments were used on either side. There were two lines of policy that might be taken—on the one hand, being possessed of Lucknow, to concentrate and apply the whole of the army to secure and consolidate that conquest, and so obtain a complete subjugation of the whole kingdom of Oude—an object that, in the first instance, would naturally suggest itself to the mind of the Commander-in-Chief; but, on the other hand, there were other considerations which, notwithstanding the late period of the year and the approach of the great rains, rendered it, politically speaking, desirable that a different course should be pursued. Consequently, my Lords, I believe that the principal ground that actuated the Governor General and the Commander-in-Chief in coming to the conclusion they ultimately arrived at was in consequence of the condition of things throughout Rohilcund, a district into which the rebels had thrown themselves, but unfavourable for the movement of troops in large bodies; and the first impression was, that the best and most befitting course to adopt would be to leave the rebels during the rains undisturbed in Rohilcund, to coop them up, and keep them cooped up there, until operations were concluded in Oude, and then to deal with them as circumstances might suggest. On the other hand, it was represented that in Rohilcund the population was very well and favourably disposed towards the British Government, and consequently that any operation might possibly prejudice their fidelity in a moment of difficulty or disaster, and that the fidelity of the rajahs and chiefs might also be endangered, and that they would suffer in our cause, if we left them without assistance and subject to the overwhelming power of the rebel force, who would compel them either to capitulate or join in the revolt. The Governor General and the Commander-in-Chief, concurring in the same view, determined to confine the operations in Oude to the occupation of the city of Lucknow, and not to attempt to extend our government over the province of Oude, but to follow up the rebels into Rohilcund. With this view Sir Edward Lugard, at the head of the Lahore force, was despatched in that direction, and subsequently Brigadier General Walpole was directed to advance into Rohilcund, and a series of successful operations, only intermixed with one temporary check, enabled that officer, with the assistance of Brigadier Jones, who commanded the Rohilcund field force, and who entered the province simultaneously from the north, virtually, and I may add, victoriously to complete his operations there. The name of Brigadier Jones is not among those specified for honour in the Resolutions. The command that he held was not one that, in the opinion of the military authorities, was of sufficient eminence and of sufficient separate command to entitle him to so high an honour; and I am quite sure that the illustrious Duke, should he follow me on this occasion, will not be slow to testify his sense of the manner in which Brigadier Jones on that occasion supported Brigadier General Walpole in contributing to the successes which were achieved in Rohilcund. Another officer of great distinction was despatched in a different direction. That officer, my Lords, is one who from the very commencement of this revolt in India has always filled a prominent place in the military annals of the time, has commanded with dauntless and unfailing skill, and who has probably been mentioned more than any other gallant officer, (perhaps with one exception) during the whole of this revolt, and who has been engaged in constant, and almost always in successful contest with the enemy—although the encounters were hardly deserving the name of contest. But, my Lords, from first to last, from the period of the siege of Delhi to the final relief of the garrison at Lucknow, wherein Sir Hope Grant had a command, down to the very latest period of action, that gallant officer had been vigilant and unvaryingly successful. Between the 23rd February, 1858, and 13th June, 1858, he was engaged in no fewer than six general actions with the enemy, and on the 25th November, in the renewed campaign, after the great rains, he crowned his great achievements by the signal defeat of a large body of the insurgents, greatly outnumbering the whole force brought to bear upon them, while trying to cross the Gogra. I have now mentioned, I think, all those officers whose services where so signal and brilliant at the siege of Lucknow; and I now pass on to notice an officer, whose name stands pre-eminent even above those I have already mentioned, and whose services I should not so long have delayed in bringing before your notice had it not been that he held the command in a totally different district of country—entirely separate but I will not say altogether independent, but in which he exercised the supreme command. I allude with additional pleasure to the name of Sir Hugh Rose, more particularly in the immediate presence of one of his nearest relatives. My Lords, that gallant officer has earned for himself the highest and most distinguished honours. It would be vain, indeed, were I to attempt to enumerate all the distinguished achievements of that gallant officer; but from the period of the 29th January down to the 22nd June, a period of less than six months, gives a tolerably complete abstract of his separate and signal achievements,—

> "He commanded the Central India field force, constantly engaged in action with the enemy. Among their achievements may be enumerated the reduction of the fort of Rathgur, the relief of Saugor, the siege and storm of the fort of Chandairee, the siege, investment, and storm of the fortress of Jhansi, the capture of Calpee, the general action on the Betwa."

After these achievements we find that Sir Hugh Rose, exhausted by the labours of the campaign and sinking under a serious illness, felt himself obliged to abandon his command, but only for a time; for between the 16th and the 22nd June, hearing that the rebels had seized upon Gwalior and were in arms, regardless of suffering and ill health and at the danger of his life, the gallant officer again, without reluctance, placed himself at the head of his troops, stormed the Gwalior cantonments, fought the general action before Gwalior, and finally assaulted and captured the city and fortress. Indeed, I cannot do better than sum up the achievements of the gallant officer in his own words, which state that he marched in the course of two months 1084 miles, took upwards of 150 pieces of artillery, one intrenched camp, one fortified city, one partly intrenched town, fought sixteen successful actions, captured twenty forts, and never sustained a check. My Lords, in these operations, conducted with so much skill and gallantry, General Sir Hugh Rose was most ably seconded by Major General Roberts and Major Whitlock, who commanded the Saugor field force. These officers were under the command and joined in the victories accomplished by Sir Hugh Rose, and subsequently, at a later period, they were actively engaged in pursuing, and in many cases in overtaking and destroying those bands of rebels, which, dispersed as they were in fragmentary detachments over the country, harassed and annoyed, but never ventured to make head against our arms. I must not pass over a gallant officer who, in a separate and less well known district, performed also valiant services, entitling him to our warmest thanks. I refer to Major General Sir John Michel, of the Mhow Field Force. That gallant officer defeated the rebels under Tantia Topee on the 15th of September, 1858, captured twenty-seven guns, and divers places; and since that time that officer—equal to many others—has been most actively and zealously engaged in pursuing those fugitive Sepoy bands to which now the rebel force is fortunately reduced. My Lords, there is one name more among those who fought at the side of the Commander-in-Chief at the siege of Lucknow, who shared in the labours, anxieties, and dangers of the beleaguered garrison of Lucknow, and who subsequently placed himself under the command of Sir Hugh Rose, and co-operated with him in the capture of Gwalior, and has since also been actively engaged in pursuing and defeating the retreating rebels, and one whose name has a sort of hereditary claim on honours in this country, as well as on honours in India—I refer to that distinguished officer General Sir Robert Napier—an officer who cannot be too highly eulogized for the signal services he has performed; pursuing the enemy after the capture of Gwalior with unwavering gallantry, and regardless of danger, he charged and completely defeated them, took twenty-four guns, subsequently intercepted their retreat at Ferozepore, and did other valiant acts that entitle him to unmixed admiration.

I must apologise to your Lordships for the length at which I have dilated on this interesting and important subject. Apart from its length, I know how still more imperfectly and inadequately I, as a civilian and an unprofessional man, have been able to do justice to the services of the gallant officers whose names and exploits I have brought before you; but, holding the position that I do, I did not think I ought to spare either myself or your Lordships the infliction of a somewhat lengthened discourse rather than appear to undervalue the valued and valiant services of the heroic men who have added new laurels and lustre to our arms in India. My Lords, I have now gone through the list of the names of the distinguished officers to whom I ask your Lordships to give the meed of your eulogium and the mark of honour, and I think that seldom, if on any occasion, has a list of more distinguished names been presented to the nation for this purpose. Any one who looks to the annals of Indian warfare will admit that no roll of triumph could be more honourably headed than by the name of that distinguished General Lord Clyde; and it must be equally admitted that no more fitting or more honourable termination could be put to it than that of the almost equally honoured name of Napier. Of course, in the selection of names to bring under the notice of your Lordships and Parliament those who shall receive in their own persons the expression of the gratitude of Parliament and the country, it is necessary to draw some line of distinction—it is requisite to lay down some rules of distinction—in order to avoid the invidiousness which might arise from the indiscriminate selection of names without reference to position or responsibility. But, my Lords, I doubt not, that if any military officer should follow me, that from him many of those officers whose names are not included in the list submitted will receive proper testimony of approval and approbation, the value of which, coming from military authorities, will be infinitely greater than any notice I could venture to give of their names with the intention of doing them honour. I do not doubt but that there might be selected from amongst these names many men of eminent distinction; but their names do not appear on the Votes of the House, or in any special notice, asking for your Lordships' approval; but in the general Vote your Lordships are asked—"That the Thanks of this House be given to the other gallant officers of Her Majesty's army and Navy, and also of Her Majesty's Indian Forces, for the intrepidity, zeal, and endurance evinced by them in the arduous operations of the late Indian campaign;" and your Lordships are asked to add to this Vote—"That this House doth highly approve and acknowledge the valour, self-devotion, and brilliant services of the non-commissioned officers and private soldiers, both European and Native, who have taken part in the suppression of the recent disturbances in India; and that the same be signified to them by the commanders of their several corps, who are desired to thank them for their gallant behaviour." And I must here, my Lords, pause for a moment to say, that by inadvertence, which I greatly regret, there has been a great omission in these Resolutions. In the third Resolution we have thanked the officers of Her Majesty's Army and Navy, but in the fourth Resolution no notice has been taken of a body of men not very large in number, but who, in proportion to their number, have rendered most distinguished service in the campaign—I allude to the seamen and marines. I propose to make an Amendment in the fourth Resolution, in order to introduce them as equally deserving of our Thanks with the European and Native Army.

My Lords, after these lengthened observations, I will only say, in conclusion, that at the present period I believe we may congratulate ourselves upon the complete and absolute return of tranquillity and the restoration of peace to India. My Lords, I saw it stated the other day—I am not now speaking from official documents—that within a comparatively recent period in Oude something like 1,000 forts had already been captured, something like 480 cannon taken, and 1,000,000 stand of arms of different descriptions. The subjugation of the province of Oude, and the restoration of peace throughout the vast Indian Peninsula is complete. So far as military operations and achievements are concerned we have fully and effectively accomplished the task we had undertaken; but, my Lords, I think that the experience of the last few years must teach us this great moral and momentous lesson, that we have yet before us, perchance, a more arduous and more serious duty than that which we have accomplished. My Lords, we have subjugated the Natives of India, and impressed them by the force of arms with a sense of our irresistible power, and of our indomitable determination to maintain that power. But that, my Lords, that remains for us to do is a yet more difficult conquest—a yet more solemn subjugation—a subjugation, if possible, of the heart's affections, and the prejudices of a vast people—so as to impress them equally with the strong sense of our irresistible power, with feelings of satisfaction and conviction in the benevolence, justice, and benignity of our dominion. My Lords, we have an arduous task to perform, and we must now apply ourselves diligently, sedulously, and anxiously to the successful accomplishment of our task, a task which must occupy us many years. And even if we do not restore entire tranquillity to that great empire, we shall yet be able to confer on India the inestimable blessings of good government. My Lords, with all our military force—and I admit that for a lengthened period it will be necessary to retain a considerable force in that country—with all our military force and organization—our sway will be, at all events, the sway of a conqueror, and our position problematical and uncertain, unless we honestly and conscientiously govern that great country, not for the advantage of the few, but for the happiness of the many; unless, simultaneously with our military success, we concurrently advance the moral, social, and physical condition of the population which Providence has placed beneath our rule; unless we endeavour to develop the industrial resources and the prodigal wealth of an empire restored by our arms to our superintendence and our rule; unless by a firm and temperate administration of justice we satisfy the Natives that if we are their masters we are friendly, and merciful, and benevolent masters, to whom it is not only their fate, but to whom it is also their interest to be faithful and obedient subjects. I believe, my Lords, that by acting on the principle—that wise and humane principle—set forth in Her Majesty's most gracious Proclamation, and endeavouring to heal the scars, and to obliterate the memory of the scenes of bloodshed that have accompanied this unhappy revolt, we shall best consult not only our own honour, but the interest also of this country, and I trust that under the blessing of Providence, the possession of the vast territories which have now been reconquered for us by the valour of our military forces, may, for the benefit of India and of this country alike, be long watched over, supported and confirmed by the generous care and the judicious wisdom of the Legislature and the statesmen of this country. The noble Earl concluded by *moving* to resolve—

1. "That the Thanks of this House be given to The Right Honourable Viscount Canning, G.C.B., Her Majesty's Viceroy and Governor General of India; The Right Honourable Lord Elphinstone, G.C.B., Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, Bart., G.C.B., late Lieut. Governor of the Punjab; Sir Robert North Collie Hamilton, Bart., Agent to the Governor General in Central India; Henry Bartle Edward Frere, Esq., Commissioner of Scinde; Robert Montgomery, Esq., late Chief Commissioner in Oude; for the Ability with which they have severally employed the Resources at their Disposal for the Re-establishment of Peace in Her Majesty's Indian Dominions.
2. "That the Thanks of this House be given to General The Right Honourable Lord Clyde, G.C.B., Commander in Chief in India; Lieutenant General Sir James Outram, Bart., G.C.B.; Major General Sir Hugh Henry Rose, G.C.B., Major General Henry Gee Roberts; Major General George Cornish Whitlock; Major General Sir Archdale Wilson, Bart., K.C.B.; Major General Sir James Hope Grant, K.C.B.; Major General Sir William Rose Mansfield, K.C.B.; Major General Sir Thomas Harte Franks, K.C.B.; Major General Sir Edward Lugard,

K.C.B.; Major General Sir John Michel, K.C.B.; Brigadier General Robert Walpole, C.B.; Brigadier General Sir Robert Napier, K.C.B.; for the eminent Skill, Courage and Perseverance displayed by them during the Military Operations by which the late Insurrection in India has been effectually suppressed.

3. "That the Thanks of this House be given to the other gallant Officers of Her Majesty's Army and Navy; and also of Her Majesty's Indian Forces, for the Intrepidity, Zeal, and Endurance evinced by them in the arduous Operations of the late Indian Campaign.
4. "That this House doth highly approve and acknowledge the Valour, Self-devotion, and brilliant Services of the Non-commissioned Officers and Private Soldiers, both European and Native, who have taken Part in the Suppression of the recent Disturbances in In dia; and that the same be signified to them by the Commanders of their several Corps, who are desired to thank them for their gallant Behaviour."

Earl GRANVILLE: My Lords, I feel it a great honour to be permitted to second the Motion which has just been made by the noble Earl. The speech in which he has introduced it has not lasted one minute longer than its great theme required; and has been marked not only by the most accurate information as to the circumstances upon which the claims of those whom he proposes to thank are founded, but also, if I may be allowed to say so, by the complete absence of anything like personal or party feeling. The noble Earl, in the speech he has just addressed to us, has spoken in the fullest and most national sense the feeling of this House and of the country. For these reasons it is hardly necessary for me, in following the noble Earl, to add a single word to the statement which he has made; but I think it important that some one should give evidence that those noble Lords who sit on this side of the House warmly and cheerfully support the Motion which he has made. My Lords, it is impossible for me, speaking on this subject, not to refer to the Vote of Thanks moved by my noble and gallant Friend behind me last year; and I cannot help rejoicing that all the circumstances of the comparison are calculated to give the House the greatest satisfaction. Of the distinguished individuals who were then thanked not one has since died, not one has done anything which could in the slightest degree tarnish the laurels which he had then won, while many of them have doubled and trebled the claims to the Thanks of your Lordships which they then possessed. The first of these Resolutions refers to the civilians, and I must say that I listened with heartfelt pleasure and satisfaction to the singularly just and accurate tribute paid by the noble Earl to the merit of the Governor General. Last year it was a matter of discussion, partly as a point of form, and partly on other considerations, whether he was then entitled to receive the Thanks of this House; and I am happy to say that the act which we are consummating this evening buries all that discussion in entire oblivion, and that we all have the pleasure of uniting in an unanimous tribute of Thanks to that noble Earl. I feel that if I gave any opinion of my own as to the merits of Lord Canning I should merely weaken the effect of that which has been stated by the Prime Minister; and I will therefore confine myself to giving perhaps the strongest possible confirmation of what has fallen so gracefully from the noble Earl, by quoting a single sentence from a letter the whole tenor of which is to the same effect. I quote it without the permission of the writer or of the person to whom it was sent, but it redounds so much to the credit both of the writer and of the subject of the letter, that I feel that in doing so I am guilty of no indiscretion. I therefore beg to read to your Lordships a single sentence addressed by the great authority whose name stands at the head of the second resolution, Lord Clyde, to Lady Canning, upon the pacification of Oude. He says—

> "England will receive with acclamation the great statesman who never faltered in the moment of direct peril, and whose ultimate triumph has been so rapid, so perfect, and so merciful, that history can hardly equal it."

I believe that this expression of opinion will be a more forcible corroboration of what has fallen from the noble Earl than would anything which I could address to your Lordships. The noble Earl referred to the services of other distinguished men holding civil positions; and I am sure that the way in which the House received his mention of the sagacity of Lord Elphinstone, and of the services which he has rendered, must have been most gratifying to any friend of that noble Lord. I know no greater proof of the peculiar sagacity and unselfishness which have marked the civil servants in India during the mutiny, than the readiness which they have shown to a great extent to denude themselves of the forces which they themselves required, merely because they thought that the presence of those troops in other parts of India was still more necessary. I am sure that it must have been the cause of great satisfaction to the noble Earl in recommending to Her Majesty the honours which she has been pleased to bestow upon Lord Elphinstone, to remember that this was an act of justice done to one who was entirely separated from him in political and party feelings. The noble Earl next alluded to the services of Sir John Lawrence, and stated that he had already returned to this country to take a most useful part in the Home Government of India. I should be well pleased, my Lords, if that distinguished individual was present in this House, and had the opportunity of hearing his praise from the lips of the Prime Minister of the Crown, praise which has during the last two years been uttered in still warmer and still stronger accents, not only in the debates in both Houses of Parliament and in the press, but in the daily conversation of all classes of society. The noble Earl stated fully the claims of the other members of the civil service, to whom he referred to the Thanks of Parliament, perhaps the highest honour which an Englishman can receive; and I will only say, that I believe that in no single instance did he overrate the claims of those distinguished men to the honour which is now proposed to be conferred upon them. With regard to the military men, to whom it is proposed that we should give our thanks to-day, it would not be becoming in me to enter into details; but it is impossible to speak at all upon this subject without one word acknowledging the immense services of that most distinguished soldier, Lord Clyde; particularly in this House, which has derived new lustre from the addition of that noble Lord to our ranks. The only regret that any one can feel at his elevation is, that it takes away from us the power of using that still more familiar name of Sir Colin Campbell, speaking of the most honest and most successful soldiers ever employed by this country. Hoping that I shall be followed by those who are more competent to speak upon military matters than I am, I will not waste your Lordships' time by dwelling upon them; but I must say, that it is a remarkable instance of the diffusion of information through all classes in this country, that names like those of Mansfield, Grant, Rose, Lugard, Michel, and others, are known not only to a select portion of the nation, but are almost household words in every cottage throughout the land. There is one point to which I will call the attention of the noble Earl, without however, giving any opinion upon it. Nothing which fell from him was more true than the observation, that it is most important that the Thanks of this House should be given in such a manner, that no impression can arise that they are bestowed as a matter of form. To that I entirely agree. I have no doubt that every man whose name is mentioned in this second Resolution is justly entitled to our Thanks; but it seems to me a little anomalous, that among them are two officers who do not appear to have been thought worthy to receive even the lowest rank of the military honour of the Bath. There seems to be an anomaly or inconsistency in this, of which no doubt an explanation can easily be given. The name of Sir John Inglis also is omitted from the Resolution. I dare say some reason can be given for that. [The Earl of DERBY: He has been home]. But Sir Archdale Wilson. [The Duke of CAMBRIDGE: He commanded the Artillery at the siege of Lucknow.] So much misapprehension often arises as to Motions of this sort, that it is better that these things should be mentioned at once. The noble Earl alluded to the immense loss which this country has sustained by the death of such men as Sir William Peel, and he also paid a most just and deserved tribute to the memory of Sir Henry Lawrence. It is a subject of regret to me, as it is to many who are more competent than I am to form an opinion, that it is not consistent with precedents that Parliament should, on such a great occasion as this—one of the greatest which has occurred in the history of this country—express its regret at the loss of such men as Sir Henry Lawrence, Sir William Peel, Havelock, Nicholson, Neill, Adrian Hope, and others, whose untimely deaths we have all in our own individual capacities felt to be the greatest of misfortunes. The great events which have occurred in India during the last year, show clearly how idle are all human calculations, and how ridiculous it would be for any set of men to claim for themselves any sagacity or power of prediction which a slight turn in the course of events may so easily falsify. At the same time, it is satisfactory to us who, from the beginning, were taunted with being too sanguine on the matter, that, while we acknowledged the great dangers which were hanging over India; yet, for not one single moment did we ever doubt as to the ultimate result. Our excuse for entertaining that sanguine opinion, was the past history of our Indian empire—its conquest in so comparatively brief a space of time; and the consciousness that, even if we had lost it, we were in a far better position to regain it than we were 100 years ago in originally acquiring it. But our chief reason for confidence was the reliance we felt in the moral and intellectual qualities of our fellow-countrymen in India. And, however great that confidence may have been, I say, without hesitation, that the conduct both of the civilians and the military have far surpassed every reasonable expectation that could have been entertained of them. It is marvellous to think of the great moral qualities, as well as of the physical courage, by the display of which they were enabled to struggle against and overcome the fearful obstacles they had to encounter. I know of nothing which appeals more strongly to the imagination than the manner in which Mr. Frere, amidst a population of some 6,000,000 Natives, and supported by but between 100 and 200 Europeans, contrived to maintain perfect tranquillity in the province intrusted to his charge, after denuding himself in every direction of troops and despatching them to points to which he thought they were more required. The achievements performed by Sir Hope Grant and Sir Hugh Rose seem more like the prodigies of valour recounted in the pages of an ancient romance than actual historical events occurring in our own times. Such were the qualities and the deeds which enabled us to reconquer India; and I heartily join, as I am sure all your Lordships will do, in the prayer of the noble Earl, that the same Providence which endowed our countrymen with the endurance, the courage, and the skill by which they have succeeded in regaining that vast empire in India, will vouchsafe to bestow upon us, both at home and in that country, a deep sense of the responsibilities which attach to their position, and that sagacity and wisdom which shall qualify them to govern this enormous mass of the human family, not in a spirit of selfishness, or only for their own interests, but in the mode most calculated to promote their social, material, and, I will add, moral improvement and elevation among the nations of the earth. My Lords, I beg most cordially to second the Resolution just moved by the noble Earl.

THE DUKE OF CAMBRIDGE: My Lords, I rise with some diffidence to make a few observations on the Motion now before your Lordships, because I feel that this subject, however interesting in itself, has been so fully and so ably dealt with by the noble Lords who have preceded me that it is really impossible for me, or indeed, I believe, for any one, to add much to what has been already said. At the same time, having regard to the official position which I have the honour to hold, I cannot allow myself to give a silent assent to the Motion proposed by the noble Earl. My Lords, we have to congratulate ourselves upon the present state of India; and, when we reflect upon what that vast empire has had to undergo during the last two years, it is indeed marvellous that my gallant Friend Lord Clyde should have been enabled to write to me in the terms which the noble Earl at the head of the Government has already quoted to your Lordships—namely, that never in his experience had India been more quiet than it is at the present moment. And when I come to ask myself how the recent fearful outbreak has been brought to so rapid and so complete a termination, I cannot doubt that the chief cause of this auspicious result has been the cordiality and good feeling which existed between the civil and military authorities of India. But for that I believe it would have been impossible for the gallantry of our troops, however heroic, or for the skill of their commanders, however admirable, to have brought India so speedily to its present tranquil condition. My Lords, the observation I have just made includes not only my noble Friend the Viceroy of India, but extends to the Governor of the Bombay Presidency, my noble Friend Lord Elphinstone, who I know exerted himself in the most active manner, in conjunction with the Commander-in-Chief of his Presidency, to forward supplies and furnish troops for the field—in denuding in fact his own Presidency—so as to enable the great operations of war to be carried to a successful issue. I have no doubt that the same energy and ability—though, perhaps owing to circumstances, to a less conspicuous extent—were displayed by the Government of Madras, where Sir Patrick Grant, a most distinguished and efficient officer, holds the chief military command, and has rendered the most valuable aid by despatching columns of troops to co-operate with the forces which advanced from Bombay into Central India. My Lords, I have been asked to fill up the void supposed to be left by the list of meritorious names embodied in the Resolution before us. But I feel considerable difficulty in attempting to do so, because, where everybody has conducted himself so praiseworthily, it would be almost invidious for me to single out particular officers for especial commendation. It so happens that in this campaign a great many officers have had an opportunity of distinguishing themselves. Numerous columns have been in constant movement, and the individual capacity of each commander has demonstrated itself more conspicuously than usually occurs in ordinary campaigns. The number of Brigadiers employed has been remarkable, all of whom, though some of them have been at the head of small columns, have deserved well of their country; and I am sure that the officers of this rank who are mentioned by name in the Resolution would be the first to bear testimony to the valuable services performed by those of their brethren who may not be specifically included in the same distinction. Therefore, while it is with some reluctance I approach this subject, yet, as it has been brought under your Lordships' notice, and as the eminent names already quoted have been so fully dealt with, I may mention that Brigadier Jones, having previously greatly distinguished himself at Delhi, subsequently rendered very important services in support of Brigadier General Walpole's movements. Men, too, like Brigadier Horsford, of the Rifle Brigade, Brigadier Barker, of the Royal Artillery; Brigadier Showers, and Brigadier Troup, who belong to the local army of India, I am most anxious to bring under your Lordships' notice, because I am convinced that the greatest advantage has accrued, throughout these campaigns from the good feeling which has animated all portions of the army, both local and the line, and their common anxiety to do their utmost for the speedy suppression of the revolt. I think I have now gone over most of the names which I wished to particularize; though I may perhaps be permitted to add that of Brigadier Douglas, who succeeded Sir Edward Lugard in command of the Azimghur division, and has contributed so much to the pacification of his district. Of course, my Lords, as regards my noble and gallant Friend, Lord Clyde, it would be preposterous for me to sound his praises in this assembly. His fame is familiar not only to every Englishman, but it extends throughout the length and breadth of the Continent and of the world. I think it right, however, to state that Lord Clyde never omits an occasion of bringing under my notice the valuable assistance he has received from Sir William Mansfield; and with that modesty which does him so much credit, he constantly assures me that it is not to himself that the honour is due, but to General Mansfield, for the combinations which have marked this campaign. For it is in this that this Indian campaign has been remarkable—not so much for hard fighting as for the great combination it has required, and the bringing of different columns to bear from various points. I believe there never was an instance of any campaign in which the evolutions of columns were so ably carried out as in this. I am not aware, in the whole course of it, of a single occasion on which any column intended for a particular post, and required to take a considerable share in any operation, was not found at its appointed place, and did not carry out the duty assigned to it in the general combination. And now, my Lords, I turn to Central India. And here I listened with the greatest pleasure and satisfaction to what fell from the noble Earl as regards my gallant Friend Sir Hugh Rose. Certainly if any officer ever performed acts of the greatest daring, valour, and determination, those acts were performed by my gallant Friend Sir Hugh Rose. I personally had an opportunity of seeing what manner of man my gallant Friend is, and of what stuff he is made; and I was satisfied at the time that if ever the right occasion presented itself he would be found to distinguish himself in the extraordinary manner which he has lately done. Permit me to say that he was at the head of a very small European force, and that a very large proportion of the troops under his command were Natives, regular sepoys, and I have reason to believe, from letters received from him, that those troops on all occasions conducted themselves with a valour and bearing equal to that displayed by the Europeans. That, my Lords, is a fact which I think ought not to be overlooked. Sir Hugh Rose's operations finished with the capture of Gwalior, and certainly I concur with what fell from the noble Earl as to the manner in which my gallant Friend, at the risk of his health—I may say of his life—put himself at the head of his troops and rushed to the attack when he ought to have sought the rest of which he stood in such urgent need. His achievements having been brought to a triumphant close, Sir Hugh Rose was succeeded in his command at Gwalior by Sir Robert Napier, an officer whose services at Lucknow and elsewhere were of a character to stamp him as worthy of the honoured name he bears. General Michel succeeded to the command of the troops in Central India. His operations were not connected with any one great or brilliant event; but the work performed by that column and by its auxiliary detachments was beyond all praise. The number of miles his troops marched during those operations is almost fabulous; they are to be reckoned not by hundreds, but thousands; and the movements are not only remarkable for the number of miles the troops marched, but for the short time in which the marches were accomplished. I believe that no one during these operations has done harder service than General Michel. There are several other officers whose names have been mentioned in despatches, such as Brigadier Park, Brigadier Smith, and Brigadier Lockhart. The columns commanded by these officers were small, and they had not such opportunities of distinguishing themselves as others. But the duties they performed were considerable; they were constantly harassed by a persevering and daring enemy; and, as the result of their services, I trust Central India will soon exhibit the same state of tranquillity as the other provinces. In remarking on the military operations of the campaign I cannot pass over some other departments of the service without which the military movements would have been paralyzed; I would mention the Commissariat and Medical departments, which, by accident no doubt, have been omitted from mention. [The Earl of DERBY: Hear, hear!] But I must think, when we reflect on the state of the country, doubt and fear existing throughout the land, the roads and communications interrupted, and the inhabitants not assisting us, as we might have hoped and anticipated, that it was wonderful how the Commissariat kept the troops as efficiently supplied as it evidently must have done, for I have never heard any instance of the troops not having been fully and amply supplied. I think this acknowledgment is due to the Commissariat service. I think that the Medical department of the army has also well discharged its most important and most valuable duties. I have not heard of any portion of the troops who were not thoroughly taken care of; and, knowing that the amount of sickness necessarily resulting from the climate is much larger than in any European army, I think it right to allude to this Department. With regard to the Army in general and the Officers, I do not know that there is anything which, as a military man, I need add to the observations that have been already made. But I cordially agree with what has fallen from both my noble Friends as to the future of India. It is a question of deep and vast importance. I think that now the military officers have performed their portion of the work that of the civilians will really and truly begin. I am perfectly aware that the first duty of the civil Government is to control its expenditure; but, on the other hand, economy may be carried too far. Every effort should be made to keep down the military establishment, but I hope every reduction will be made with the caution and attention so important and difficult a matter fairly deserves. I have already referred to one subject to which, however, I wish to recur. Allusion has been made to Sir John Lawrence: to no man is more praise due than to Sir John Lawrence for those measures by which he was enabled to move a mass of troops from the Punjab to Delhi, which was one of the most remarkable features of the campaign. But Sir John Lawrence himself doubted whether, if it had not been for the assistance of Sir Sydney Cotton, he would have been enabled to carry out those measures. Sir Sydney Cotton's occupation of Peshawur enabled Sir John Lawrence to feel confidence in the military position he occupied in the Punjab. The aid was all the more valuable, also, because it was furnished by Native troops. My Lords, combined with the tribute of our thanks we have also expressed the pain and sorrow we feel for the losses we have sustained in the great men who have died in these operations; but they died nobly and gloriously; they felt that they died doing their duty, and it is ours to do honour to their names and their memory. It is a feeling that lies deep in the heart of every Englishman. That feeling will not lightly be eradicated, and as long as history speaks of the great events that have taken place in India the world will never forget the deeds of valour and daring performed by a Havelock, a Nicholson, a Neale, an Adrian Hope, and many other heroes. I cordially support the Motion.

THE EARL OF ELLENBOROUGH: My Lords, I regret that a specific Vote of Thanks to the Governor General of India was not moved, separate from the Vote to the other civil officers who have assisted in obtaining those great military successes which have crowned our arms in India. I know that at the commencement of last session a Vote of Thanks was passed, in which the name of the Governor General was mixed up with many others. But in my opinion this was an exceedingly bad precedent. The Governor General is solely responsible for the conduct of all the operations in India ; what is required from him is different from what is required from any other man. The whole responsibility is his; if he had failed, he would have been justly censured ; having succeeded, he is as justly entitled to our praise. Responsibility has its rights as well as its obligations ; and I think, seeing the enormous distance between the Governor General and even the Governor of a province, and still more the gentleman who is only the agent of the Governor General, it is due to that high officer that the peculiar merits he has exhibited throughout all these operations should be specified in a distinct and separate Vote of Thanks. I believe that up to the beginning of last year this was always the good practice of Parliament. My noble Friend (the Earl of Derby), with equal perspicuity and justice, has described the services of the various military officers whose names are mentioned in the Vote. But here again I must express the same regret that there is not a specific and separate Vote of Thanks to Lord Clyde. The illustrious Duke (the Duke of Cambridge) has well remarked that the last campaign in India was entirely one of military combinations. The merit of those combinations belongs wholly to the Commander-in-Chief,—not to the subordinate officers. Yet, in the Vote the Commander-in-Chief and the commanders of brigades are jumbled together, and the words of thanks are identical for both. This is not the right course of proceeding, and cannot give satisfaction either to the officers receiving the thanks, or to the army itself. The merits and services both of the civilians and military officers named in the Votes have been amply touched on by the noble Lords who have preceded me ; but I wish to claim your attention for a few short moments on behalf of those who are indeed named in the Vote, but who have hitherto been more in your Lordships' minds than in the speeches you have heard. My Lords, I ask your attention for the troops by whom these glorious victories in India have been obtained. That which the Generals have done they could not have done with inferior troops. My Lords, I recollect well that the late Duke of Wellington told me once that the British army in India came, in his opinion, nearer to what the Roman legion must have been than any troops he had ever seen in his life. That army has not degenerated. There is nothing in ancient or modern history so astonishing as that which has been effected by that army during the last eighteen months. I have borne in my mind the various military events which have taken place during my life. I recollect, I am sorry to say, most of the great campaigns which have taken place from the battle of Austerlitz to the present time almost as if they had occurred yesterday. But, looking back this long vista of years, I cannot find any war in which there are so many circumstances combined of military, historical, and social interest as there are in the war which is now under our consideration. I cannot call to mind any occasion on which troops have shown so much fortitude, so much endurance, so much perseverance under suffering of every species. I know none in which they have shown such pertinacity in resisting the force of overwhelming masses, or in which they have shown such earnestness, such excitement, and determination to conquer the enemy, whenever they had a chance of success. My Lords, I know nothing equal to the conduct of the British army from the commencement of this war to this hour. Thank God we have such an army. When the several military Powers of Europe are bringing together their forces, I fear for the purpose of measuring their strength upon the field of battle, it is satisfactory for us to know that we have the materials for forming an army which can face any of theirs with absolute certainty of success. Would to God one-half of the army now in India were encamped at Aldershot! It would make the work of my noble Friend the Secretary for Foreign Affairs at the Congress easy to do. Ten thousand of these men, on whatever side they might be called upon to fight, would secure the victory. There is nothing like our Indian army. There is nothing in modern history to be compared to the marches of that army during the late war. There is but one march the most remarkable in ancient Roman story—which can be compared to the marches performed by our army in Central India. Nay, more, my Lords, observe,—it was given to them to use for the first time those improved firearms, and all the improvements in war which science has of late contributed. They have learnt a new art of war. It is from them that Europe has now to learn. It is from them that Europe will have to suffer what they have learnt, if it be necessary for them to take part in a European war. The full and graphic manner in which all that has passed in India has been related to us week after week has rendered us almost present in the camp, on the march, in the bivouac, in the battle, and almost eye-witnesses of those great achievements on which we are now congratulating those who performed them. When we hear of the electric telegraph passing under the fire of the enemy, over an unfordable river, to a distance of several miles, used for the purpose of giving an order to the extreme flank of a detached corps during a general action, must we not admit that that indeed is an instance of science being taken advantage of by real genius? Look at the battle of Sultanpore, in which Sir Thomas Franks took advantage of all the peculiarities which result from the new species of weapons. Our troops in India have fought the battle of giants, but not as giants using mere brute force, but as if they had stolen the very fire from heaven. My Lords, I will not say more. I had not intended to say one word, but recollecting what those troops were when I saw them, recollecting that they have realized all I have said of them, that they surpass all the troops produced from one end of Europe to the other, that they are our countrymen, that in many cases they are the men upon whom we are to depend for the safety of our country, I could not allow this night to pass over without expressing my feeling, and declaring my belief that the feelings I have expressed are the general feelings of your Lordships' House.

Viscount GOUGH said, he had had the good fortune of having been nobly assisted by Lord Clyde in China. That noble Lord ultimately joined his army in India, and he creditably and honourably did his duty in the position which he held. Sir Edward Lugard also served under him in the Sutlej campaign, and acted his part in a distinguished manner. He felt it his duty to join cordially in this Vote of Thanks, assuring their Lordships that the bravery and devotion of the troops and of the officers individually named were such as merited the approbation of their Lordships and of the country.

The Earl of ALBEMARLE wished to say a few words with respect to the gallant and distinguished officer whose name stood first in the second Resolution, as he was a personal friend of his. It had been very truly said that Lord Clyde enjoyed a European reputation, but as most of their Lordships were civilians he would call their attention for a few moments to some of the achievements of Lord Clyde during the half century that he had served his country. The first military service of that noble Lord was in the Walcheren expedition. He afterwards served in the Peninsula and was present at the battles of Vimiera, Corunna, Barossa, and Vittoria. At the siege of San Sebastian he led a forlorn hope, and received two severe wounds. At the passage of the Bidassoa he was severely wounded. He next served in China. His services in India were too recent and too brilliant to call for further comment. His recent campaign was, he believed, the most successful instance of strategy, with the exception of the campaigns of the late Sir Charles Napier, ever exhibited in that country. It had too often been the practice of his predecessors to rely too much upon the physical pluck of their countrymen, and to oppose a handful of Europeans to myriads of Indians, and to lead small bodies of their countrymen against batteries of enormous strength. The illustrious Duke had spoken of the combinations of Lord Clyde, and their Lordships would remember how he spread a net, as it were, and inclosed within its meshes, with one exception, every big fish that was to be caught—he meant with the exception of Feroze Shah, who, according to the last accounts, was entering into a treaty for his surrender. In India, as in the Crimea, Lord Clyde evinced a tender anxiety to avoid unnecessary destruction of life. He twice relieved the garrison of Lucknow and its hundreds of women and children, and in those two actions there was less sacrifice of life than in any one of the general actions ever fought in India. Not less conspicuous than his gallantry was the humanity which he had shown in the discharge of his duties. He had been not only chary of the lives of his own men, but of the lives of his enemies also. "There must be no hanging here," was the expression constantly attributed to Lord Clyde, and from his knowledge of the man he believed most truly so. In short the noble Lord was not more distinguished for his bravery than for his humanity.

The Earl of DERBY: My Lords, having already troubled you at so much length, I will now only say a single word, and that to ask your Lordships' permission to insert a name in the Vote which has been inadvertently omitted, and which I find has been inserted in the other House of Parliament. I have mentioned the services of the officers and men of the Naval Brigade, and it is very desirable to insert in the Resolution the name of Captain Edward Sotheby. With respect to the suggestion of my noble Friend near me (the Earl of Ellenborough), I may state that the course which he has recommended occurred to me so strongly that I had prepared separate Resolutions for the Governor General and the Commander-in-Chief; but on looking to the course pursued last year I followed the precedent then set, and abandoned the intention of taking the course which my noble Friend has recommended. I am glad that my noble Friend has adverted to the services of the troops in India; because, having gone at great detail through the services of individual officers, I did not wish unduly to trespass on your Lordships' patience by extending the length of my address. At the same time I hope it will be believed that there is not, on my part, or on the part of any Member of this House, any wish to depreciate or underrate the immense benefit conferred upon the country by the valour, discipline. and brilliant services of the troops in India.

Resolutions, as amended, *agreed to, nemine dissentiente.*

Ordered, That the Lord Chancellor do communicate the said Resolutions to Her Majesty's Viceroy and Governor General of India; and that his Excellency be requested to communicate the same to the said Governor, Commissioners, and Officers referred to therein.

House adjourned at a quarter past Eight o'clock, till To-morrow Three o'clock.

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HOUSE OF COMMONS,

Thursday, April 14, 1859.

MINUTES]. PUBLIC BILLS.—1° Offences against the Person; Forgery; Malicious Injuries; Coinage; Personation; Criminal Writings; Larceny.

3° Exchequer Bills (£13,277,400); Consolidated Fund Appropriation; Convict Prisons Abroad.

THE ACTION AT CAWNPORE.

QUESTION.

GENERAL **CODRINGTON** said, he would beg to ask the Secretary of State for India, the date of the receipt in England of the Despatch from the Commander-in-Chief in India of the 20th day of December, 1857, referring to the actions fought under the command of Major General Windham at Cawnpore, on the 26th, 27th, and 28th days of November, 1857?

LORD **STANLEY** said, there had been two Despatches from the Commander-in-Chief on the subject of that action, written on the 2nd and 20th of December, which were published in the *Calcutta Gazettes* of the 13th and 24th of December; both gazettes reached this country together on the 15th of February last. He took it for granted, however, that some earlier communication must have been received.

THE NEW INDIAN TARIFF.

QUESTION.

VISCOUNT **DUNCAN** said, he wished to put a question to the Secretary of State for India. The last Calcutta Mail had brought information that it was intended to levy a new scale of Duties in India; the Tariff showed a Duty of 5 per cent on Manchester goods, and as high as 40 per cent on other articles. On looking over it he found no mention of Flax, Hemp, Jute, or Linen; he therefore wished to know whether it is intended to levy any Export Duty on Flax, Hemp, or Jute, or any import Duty on Linen Manufactures, and also whether there will be any objection to lay a Copy of the Tariff on the Table?

LORD **STANLEY** said, that he would lay a copy of the Tariff on the table when it arrived. At present no copy of the Tariff had reached this country, and the report to which the noble Lord alluded referred merely to a draught of a proposed enactment laid before the Legislative Council. That might be altered by them, and it was impossible to say finally what it would be. In the draught as it stood, linen was not enumerated, and the duty on unenumerated articles was proposed to be raised from 5 to 10 per cent. With respect to flax and hemp there was an export duty at the rate of 3 per cent, and in the draft that duty was not proposed to be altered.

THE CANDIDATE FOR BERWICK.

QUESTION.

MR. **E. P. BOUVERIE** said, he wished to know from Mr. Chancellor of the Exchequer whether one of the Candidates for

Berwick is the same gentleman who appears in the List of the Foreign Office as paid *attaché* at Vienna, and, if so, whether he still retains that appointment.

The CHANCELLOR of the EXCHEQUER said, that the gentleman in question, who had done him the honour of being his Private Secretary, had been *attaché* to the Embassy at Paris, and he believed that he was appointed to some other Embassy, but he concluded that the gentleman did not repair to that appointment, as he continued to assist him. He apprehended that he was not a paid *attaché*, but would inquire.

SIR HENRY SEATON.—QUESTION.

Colonel FREESTUN said, he wished to ask the noble Lord the Secretary of State for India, previous to his moving the Thanks of the House to the Army in India, whether he will be pleased to include the name of Brigadier General Sir Henry Seaton, K.C.B., who has done such gallant deeds of arms during the war, for that honour. He would only mention a few of his services. He was at the capture of Bhurtpore; served in Affghanistan in 1840, 1841, and 1842; the forcing of the Khoord Cabul and Jugdulluck Passes; defence of Jellalabad and action there in 1842; in the various actions under General Pollock which led to the re-occupation of Cabul; at the siege of Delhi, where he was severely wounded the 23rd of July, 1857, and present at its capture; and brought a convoy, covering ten miles in extent, safely into camp, after beating the enemy, four times his number, who threatened to molest it, and taking their guns.

Lord STANLEY, in reply said, that he would inform the hon. and gallant Member of the course he intended to pursue in his statement.

THANKS TO THE GOVERNMENT AND ARMY IN INDIA.

Lord STANLEY: Sir, I believe that, by the practice and courtesy of the House, Resolutions like those which I am about to submit take precedence of other business. There are some occasions, Sir, when even those who on merely personal grounds are least anxious to find or make opportunities for rhetorical display, must deeply lament the deficiency in themselves of those qualities which are necessary to bring properly before this House a subject such as that which it is now my duty to lay before it. It is a subject not of argument, not of reasoning, not of dry logic; it is a subject which appeals to the deepest and warmest feelings of all I address, to the patriotism and to the public spirit of every Member of this House. But if, on the one hand, I never rose to address the House under a more painful and discouraging sense of personal deficiency, so, on the other I never rose to address the House with a firmer and more unhesitating conviction than that which I now entertain, that whatever may be wanting in the statement I shall lay before you, however feebly and inefficiently may be put before you the case I have to submit to the House, these deficiencies will, nevertheless, be amply supplied, and more than supplied, by the sympathy, the cordiality, and by the unanimous feeling which a Motion of this nature never fails to bring forth. I believe I may now congratulate this House—I believe I may congratulate the country, after two years of public peril and national alarm, on the complete restoration of our military ascendancy in India, and on the return of peace to that unhappily distracted country. There may still be local disturbances, there may still be unsettled districts; the waves may here and there continue to run high, though the storm that raised them has subsided; but every mail and telegram bring us news of the submission of some insurgent chief under the terms of Her Majesty's Proclamation, of the dispersion of some body of rebels lately in arms, and of the restoration of law and order in some district where anarchy lately prevailed. The struggle through which we have passed has cost many thousands of brave English lives, it has inflicted incalculable sufferings on the people of the country in which it took place, it has heavily augmented the debt and burdened the resources of India—it has done even worse than this, it has for a time exasperated and embittered that rivalry of races which must always to some extent exist in a conquered community; yet, against these evils, grave and serious as they are, we have to place some compensating advantages. We have come through that great contest with our military reputation enhanced in the eyes of foreign nations and our own—enhanced, not only by public success achieved under extraordinary difficulties, but by individual heroism displayed even where success was hopeless. Never, I believe, at any former period of our history,—not when the news of Plassey first spread through Bengal; not when the power and life of Tippoo Sahib ended together at the storming of Seringapatam; not when the Mahratta and Pindaree power was destroyed in Central India; not when the Sikh army, the terror of all the north-west, was crushed in two battles; not when the loss of 15,000 men in Affghanistan was retrieved, and the English standard again planted on Cabul and Candahar—never at any former period of our history was there so strongly impressed on the Asiatic mind the convictions of the inevitable permanence of British rule, and the unconquerable energy and perseverance of the British race. In the existence of that feeling we have cause to rejoice—not selfishly, not in mere vain glory, not with an exclusive reference to the interests of this country, but for the sake of India herself. We rejoice in it, because the existence of that conviction furnishes the best guarantee for the continuance of peace, and enables us to indulge a hope that in the long calm which will follow upon such a storm, India may repair her losses, recruit her energies, re-adjust her finances, improve her administration, and develope—as they have never been developed before—those almost incalculable material resources, which we all know her to possess. If, Sir, I am right in the judgment I have formed—if I am right in believing that the military difficulty is at an end, and that nothing now remains to deal with except difficulties of administration and finance—then I am sure this House will feel that it is not premature on our part to offer our thanks to those, whether in civil or in military employ, under whose wise direction, or by whose skill and courage this state of things has been brought about. Sir, Lord Canning has been Governor General of India from the beginning, and even before the beginning, of the recent insurrection. There has devolved upon him an amount of labour, of anxiety, and responsibility such as rarely falls to the lot of any British statesman, and no one, I believe, either in India or in England can deny, or has denied, that under the circumstances in which he has been placed, he has displayed both the courage and the humanity which belong to the character of an English gentleman. There may have been—as there always will be in such cases—diversities of opinion as to isolated acts of the Governor General, and to these differences of opinion I now refer, only because I think they render it doubly imperative—as to me it is doubly gratifying—that we should pay him the mark of honour and respect which is his due, and to which I ask the assent of this House. But whatever differences of opinion may exist as to isolated acts of his policy, I think it cannot be disputed that that policy, taken as a whole, has been temperate, and prudent. Lord Canning, to his honour, resisted a vindictive cry for blood, at a time when that cry met with too much sympathy, even in this country. He has acted throughout in harmony with the military authorities; he has remained at his post in a season of the utmost difficulty; in the darkest hour of national calamity he has not despaired of success. Sir, I think this House will feel that both officially, on account of the post which he fills, and personally, on account of the labour and responsibility which have devolved upon him, Lord Canning is entitled to the thanks of this House. Upon Lord Elphinstone, as Governor of Bombay, there has devolved a responsibility more limited indeed in its scope, but still most grave and formidable. To be satisfied of that fact you have only to look to the position of the Presidency of Bombay. Whether we look to the western frontier of that Presidency with Scinde—a province of comparatively recent acquirement—on one extremity, surrounded on two — we may almost say on three—sides by Native States, and with the wild Beloochee tribes beyond, or whether turning eastward we survey a vast aggregation of independent States, presided over by princes, mainly of the Rajpoot race, proud, warlike, free, and likely to sympathize with the cause of those who have risen against our rule —or whether we look within the Presidency itself to the variety of races which it includes, and the large presence of the Mahomedan element—it will be seen that the duty of protecting it alike against aggression from without, and revolt from within, was one of no ordinary difficulty. In the discharge of that duty Lord Elphinstone has been vigilant, sagacious, indefatigable. He has afforded to those engaged in the suppression of the rebellion all the assistance which the civil power could give. He has not hesitated, even at a time of the utmost emergency, almost to denude Bombay itself of European troops in order to send them to those districts where their services were more urgently needed; and I believe I am only expressing what is the universal opinion both in India and in England, when I say that no governor of a Presidency will ever have returned to this country with a reputation more enhanced by his conduct in office than will Lord Elphinstone. In the list of names which I have submitted to the House, that of Lord Harris does not appear, and I must explain the reason of the omission, lest it should seem to convey a slight upon that distinguished person. Lord Harris, until failing health compelled him to retire from his post at Madras, performed his duty as an administrator sedulously and well, but the Vote of Thanks we now propose is not for services rendered in the way of ordinary administration, but in the suppression of disturbances in India. Now, during the last year, 1858, not only has there been no serious disturbance, but I think I may venture to say there has been no serious alarm or apprehension of disturbance throughout the Presidency of Madras and Southern India. Lord Harris, therefore, has not enjoyed the same opportunities of service and distinction which have been possessed by Viscount Canning and Lord Elphinstone, and that is the reason—and I need hardly say the only reason—why his name does not appear in the present Motion. There are still, Sir, some other names of civilians to whom, I believe, this House will willingly present its tribute of gratitude. The year 1858 has not been like 1857, and the great name and reputation of Sir John Lawrence will gain no accession of honour by the events of the last fourteen months. But Sir John Lawrence, notwithstanding failing health, and medical warnings, with a constitution skaken by thirty years of Indian toil, but with an energy and self-devotion which nothing could shake, has remained steadily at his post organizing new levies, pouring them down upon the plains, watching at once the turbulent population he had to control, and those even wilder races which inhabit the country lying beyond the Khyber and the Affghan frontier, and from first to last, throughout these transactions, has rendered that Province — which was regarded as the greatest danger of India—a source of security and strength to the British empire. Sir John Lawrence refused to quit his government until he was assured by the Governor General and by his own observation of the state of affairs that his services were no longer required. He has within the last day or two arrived in this country to take a part in the home administration of India—to adorn that administration by his presence, and to instruct it by his counsels. I believe and hope that the reception which will be given him by the people of this country will be such as is due to his high deserts; and I can conceive nothing more fitting or appropriate than that the first news which greets him on his return to his native land should be the news that now, for the second time, Parliament—speaking, as it always ought to speak, the sense of the Commons of England—has recognized by an unanimous vote the value of his services. Sir Robert Hamilton has by his diplomatic exertions, by the happy union of firmness and conciliation, established and maintained English influence among the powerful and independent Native States of Central India. No man, throughout the transactions of the last two years, has had at his command better sources of local information, or has communicated more useful intelligence to the generals in the field. I need not point out to the House how seriously the difficulties of the last year must have been increased if the vast population of Central India under Native rule, encouraged and aided by their Governments, had taken part against us; but, with hardly an exception, the chiefs of that district have remained loyal and faithful to British authority. I have no desire to deprive them of the credit which is their due, but it seems to me that some portion of that credit justly reflects upon the able statesman to whom the conduct of diplomatic affairs in that part of India was entrusted. While I am on the subject of services rendered in that capacity, I think it only a debt of gratitude to advert to another eminent civil servant, whose name has not been included in the vote—Colonel Davidson, the Resident at Hyderabad. We all know how steadily and faithfully — notwithstanding the presence of many elements which might have been elements of hostility—the Government of the Nizam has adhered to the English cause, and I think we are bound to mark our respect for the officer who has done so much to maintain British influence at that Court. Mr. Frere, whose name stands next in the vote, is one of two men by whom the outlying and comparatively recently acquired province of Scinde has been governed with a very small display of physical force, and a comparatively limited amount of European aid. He was indefatigable at a time of the greatest difficulty in forwarding supplies of all kinds to those parts of the country in which military operations were in progress. He has ruled the province of Scinde with justice, with wisdom, and with vigour, neither on the one hand unduly deferring to Native prejudices, nor, on the other, harshly and inconsiderately disregarding Native ideas and feelings; and he has had his reward, for throughout those battles, Scinde has been tranquil and loyal. I said that Mr. Frere was one of two men by whom that province had been kept in order. The other, unhappily, cannot now be reached by the thanks of this House, or by any expression of national gratitude. But it is not right that the name and memory of General Jacob should pass away without receiving some passing recognition of a genius so rare and a character so exalted. General Jacob was in almost every respect the pattern of what an officer commanding Native troops ought to be. His men would have gone anywhere and have done anything. With such an officer, no difficulty as to caste could arise, because he trusted them and they trusted him; because they well knew that he never spared himself; and because every one of them felt assured, that if he gave an order disagreeable to their feelings it was not done wantonly or in ignorance, but because it was requisite for the good of the service. General Jacob maintained peace on the wildest frontier of India, and created a flourishing settlement out of a desert. Upon this settlement, he laid out such private means as he had acquired, and he has died at the age of forty-five, worn out with exhaustion from excessive labour, having given all he had, even his life, to the service of the State. Mr. Montgomery, during a great part of the last year, having the advantage of a long previous training in the Punjab Government, administered the civil affairs of Oude. He was left, and wisely left, with large powers of independent action, and with a discretion comparatively unfettered; and I am only stating that which I have heard from every quarter, and which I believe to be strictly true, when I say it is to his tact, to his temper, to his skill and good management, to his indefatigable exertions, that we owe, in a great degree, that so many of the great landowners of Oude—those, I mean, who had become compromised in the rebellion—have been induced to make terms with the British Government. Considering the importance of the operations in Oude, and how much the success of the military movements there have been influenced by the conduct of the civil administration, I think the House will not be inclined to refuse an acknowledgment of the services of Mr. Montgomery. Sir, I come now to the strictly military operations which have been carried on during the last twelve months, and I wish to say that, in mentioning the services of officers who have been engaged in these operations, I shall not attempt to give anything like a detailed or connected narrative of the military transactions in India. I do not pretend to the requisite familiarity with military subjects, and I apprehend that even to those who do possess the requisite familiarity, so many and so various have been the operations carried on — taking place as they have done simultaneously in different parts of India—that it would be hardly possible within any reasonable compass to bring the whole of them before the eye in a single connected view. It seems to me that the operations of this war mainly divide themselves into four principal epochs. The campaign which ended in the siege and capture of Delhi first broke the insurgent power in the North-West. Next followed that series of operations beginning with the first and then the final relief of Lucknow, and ending in the siege and capture of that place. Thirdly, you have to take into account that entirely separate and distinct series of operations carried on by Sir Hugh Rose in Central India, which ended in the complete subjection and tranquillization of that part of our empire. And lastly, we have before us that comparatively bloodless, but bloodless only because planned with consummate skill and judgment—campaign in Oude, which has ended in the entire re-establishment of peace in that country. With this brief sketch I shall proceed to mention the names of those officers in the military service who are named in the Vote, and who have taken a principal part in the operations I have alluded to. The name of Lord Clyde is one which half a century of military service has rendered familiar alike to Asia and to Europe. Whether we look to the remote period of the Peninsular campaign, or to earlier service in India itself, or to the campaigns in China of twenty years ago, or to that great Crimean contest in which on the English side no braver or better officer appeared; or whether we look to the services of the last eighteen months, we find everywhere the same personal daring, the same cool and cautious policy, the same energy, the same promptitude and the same decision in the public service. Lord Clyde, as we know, left England literally at a day's notice to take part in this Indian war, and the rapidity and decision which he then evinced were only an earnest of the qualities which he displayed in every subsequent act. No soldier of that army can complain of his share of fatigue or exposure when he sees the Commander-in-Chief of India, nearly seventy years of age, sharing that fatigue, more than sharing that exposure, bearing in addition the undivided responsibility of an immense command, and, as happened only a few weeks ago, when struck down by an accident which would have disabled many a younger man, refusing to be laid up, refusing to allow himself the necessary time for rest and recovery, but still continuing to follow in a litter the march of his troops and to act as their chief. Everything I hear, everything I read, of the personal bearing of Lord Clyde in the field, identifies him in my mind with that young Lieutenant Campbell who forty-six years ago headed a storming party in the desperate and unsuccessful assault upon San Sebastian. How cautious has been his military policy, how economical of his soldiers' lives have been his campaigns the military history of this country will prove. I cannot but be struck with this fact—that in all the criticisms which are necessarily passed upon military affairs, I have never heard a single mistake or a single error in judgment attributed to Lord Clyde. The only adverse comment which I have heard upon his military policy has been the complaint of some that he has shown a tendency towards excessive caution, and has preferred to employ a large force where a small force would probably have sufficed. That is a line of conduct which may be justified, not only on the score of humanity, as anticipating resistance and preventing loss of life by an overwhelming display of force, but in India especially it may be justified on the score of policy also. In a country of that kind, where so much of your power depends, and necessarily depends, upon the opinion entertained of your power by the Natives, the moral effect of even a single reverse can hardly be calculated and certainly is not to be measured by the mere material damage which it may occasion. Sir, I am only expressing the universal opinion when I say that the appointment of Lord Clyde to the chief command in India is an honour to the Minister who selected him. And here, perhaps, I may be permitted to refer to the career of that distinguished officer, in order to point out that whatever may be the defects inherent in our civil and military administration, those defects do not prevent men of humble social position, but of energy and talents, from rising without interest or influence to the highest and most important posts in the empire. Sir, the name which stands next on my list and which, if such distinctions are not invidious, yields in renown only to that of Lord Clyde, is the name of Sir Hugh Rose. Sir Hugh Rose commanded the force engaged in the campaign of Central India, and the services of the troops whom he led have been so clearly and distinctly described by himself that I think I cannot do better than read his own words. His force, he says, "marched 1,084 miles, took 150 pieces of cannon, took one entrenched camp, one fortified city, one partly entrenched town, fought sixteen successful actions, captured twenty forts, and never received a check." Sir, I think that plain and unadorned, and almost matter-of-fact description of results achieved shows an eloquence which Englishmen know how to appreciate—the eloquence of simplicity and of truth. English troops can do such things as are here described, but even English troops can only do these things if they have confidence in the general under whom they serve—if they know that their courage and discipline will not be wasted, and their lives thrown away by an error in judgment, by professional ignorance, or by any rash and hasty impulse of undisciplined courage. Sir, the campaign of Central India is in many respects one of the most memorable of late years. It was a campaign carried, as indeed almost all those carried in India have been, against great numerical odds. It was a campaign carried on during and through the hottest and worst season of the year, at a time when European troops are rarely called upon to act in the field. It was a campaign which involved a perpetual and unremitting series of marches, sieges, and battles, none of them operations in themselves of first-rate military importance, but collectively, as I imagine, constituting a far severer trial of the courage, discipline, and endurance of the troops engaged than could have been afforded by any single battle, or siege. The quality of personal courage is happily one for the exhibition of which no one thinks of praising an English officer or an English general; endurance is a quality which among Englishmen is almost as prevalent; but I nevertheless think it is impossible for any man to follow the incidents of the late campaign in India without being filled with admiration for the conduct of Sir Hugh Rose, struggling as he did not only against the enemy, but against the climate, struck down again and again by that terrible sun, often disabled but never giving up his command; encountering fatigue and suffering, and conquering physical weakness with that power which belongs only to a determined will. Sir, the services of Sir James Outram require, I imagine, no mention from me in order to become known to this House. We are all well aware how, in conjunction with Sir Henry Havelock, he penetrated into Lucknow with reinforcements in the month of September, 1857; how he took command of the garrison and remained there until relieved by Lord Clyde, in the month of November; how he held the isolated and exposed post of the Alumbagh until March, in the face of vast bodies of rebels whom he kept in check; and how he aided in the final capture of Lucknow. In maintaining the occupation of the Alumbagh, Sir James Outram rendered a service of not only great military, but of great political importance, because he thus proved to all India that the withdrawal of our troops from Lucknow was a withdrawal dictated merely by strategical reasons, and did not assume the aspect of an abandonment of that city. I shall simply add that Lord Clyde, in mentioning the name of Sir James Outram, speaks of "the brilliant and thoroughly complete manner in which he executed the duties intrusted to him." The next name on my list is, that of Major General Roberts, who commanded the Rajpootana field force, and who, on the 30th of March, made a successful assault on Kotah, taking fifty-six pieces of artillery. He also defeated a force of the Gwalior rebels on August 14th, with a loss of 1,000 men, and subsequently defeated another body of them at Sanganeer. He, in short, rendered most valuable service throughout the operations in Central India, and afforded the utmost assistance to Sir H. Rose.' I come now to the name of Major General Whitlock, who, on the 10th of April, 1858, gained a victory over the rebels at Jughar, and on the 19th of the same month defeated the Nawab of Banda, on which occasion he took his palace, a fort, and thirteen guns. He also co-operated with Sir Hugh Rose throughout the recent operations in India. There is another name which has been rendered familiar to the people of this country in connection with the operations which took place at the siege of Delhi—I allude to that of Sir Archdale Wilson. I do not now propose to advert to those operations which were included in the former Vote of Thanks. But Sir Archdale Wilson was again employed in March, 1858, when he commanded the artillery at Lucknow, on which occasion, according to the testimony of Lord Clyde —a testimony I venture to quote on this occasion, because on a subject of this kind, professional eulogy naturally carries more weight with it than that of a person unskilled in military affairs—"he bore a conspicuous part in its reduction." Lord Clyde goes on to add—

> "The merits of Sir A. Wilson are too widely known to gain anything from encomium by me, but I may be permitted to express my satisfaction at having been able to avail myself of the services of this distinguished officer. The effective fire of the artillery during the long operations that depended so much on the management of that arm elicited general admiration."

Sir Hope Grant, whose name I shall now mention, has perhaps been more constantly and actively engaged than any other officer who has taken a part in the suppression of the recent outbreak in India. He has, I believe, been mentioned more frequently than any other officer in despatches; always in the front, always in the post of difficulty, a complete narrative of the engagements in which he has taken part would in itself furnish a history not very imperfect of the whole of the operations of this war. Sir Hope Grant commanded a cavalry brigade at the siege of Delhi; led a column sent in pursuit of the enemy after the capture of that fortress in October, 1857; commanded a division at the relief of Lucknow in November, and at Cawnpore in the month of December of the same year. He also commanded a division at Lucknow in March, where, Lord Clyde said, he fully justified the expectations which had been formed of his high military qualities. He was again sent in pursuit of the rebels after the capture of Lucknow, and at Nawabgunj defeated a force of 16,000 of the enemy with a vastly inferior number, took nine guns, crossed the Goomtee, fought a battle on the Gogra, and on that occasion was complimented by Lord Clyde, who said that "he had given effect to his instructions in his usual brilliant manner." In his despatch, dated the 7th of January of this year, Lord Clyde adds:—

> "Sir Hope Grant's despatches during the last six months have told the story of the admirable part taken by him in this war. I cannot say too much in his praise. He has the rare merit of uniting the greatest boldness in action to a firm and correct judgment and the most scrupulous regard for his orders and instructions."

When an officer is thus mentioned in a despatch of his Commander-in-Chief I think I am justified in including his name in the vote to which I am now asking the House of Commons to assent. Next in order comes Sir W. Mansfield, who has filled an office which is comparatively new, I believe, in the military system of this country—that of Chief of the Staff. In that capacity he was—if I may be allowed to use the phrase—the right hand of the Commander-in-Chief, and the relations which subsisted between these two distinguished men furnish, I am glad to say, an instance, happily not rare in the profession of arms of professional co-operation, combined with personal friendship. Lord Clyde, in his despatch of the 16th of January last, adverting to the relief of Lucknow, writes as follows:—

> "I cannot convey to your Lordship in adequate terms my deep sense of the obligations I am under to Major-General Mansfield for the very able and cordial assistance he has afforded me and the service during these operations, and how admirably the very many important duties belonging to his situation have been performed."

In December, 1857, Sir W. Mansfield commanded the division at Cawnpore, on which occasion his conduct also was highly praised; and in May, 1858, referring to the capture of Lucknow, Lord Clyde writes:—

> "I have now the pleasing task of communicating to your Lordship the name of an officer to whom, not only I, as commanding general, but the service at large is under great obligations, Major-General Mansfield, Chief of the Staff, whose labours have been unceasing, whose abilities are of the highest order, and have been of the greatest use to me during this campaign. It is impossible for me to praise this officer too highly, or to recommend him sufficiently to the protection of your Lordship and the Government."

Since that despatch was written Sir W. Mansfield has served through the last campaign in Oude. To the testimony of Lord Clyde, in reference to his services, I shall add only the simple expression of my belief that anybody who has the good fortune of knowing Sir W. Mansfield personally, in however slight a degree, will concur in the justice of that estimate of his abilities to which his Commander-in-Chief has given expression, and of which, in my opinion, he has formed no exaggerated estimate. I may now advert to the name of Sir T. Franks, who crossed the Gogra in command of a division to be present during the operations at the siege of Lucknow. Of that gallant officer Lord Clyde writes that his division was on the occasion in question "admirably commanded." His chief exploit was, however, the series of rapid and skilful manœuvres which ended in the defeat of separate bodies of insurgents in three different battles at Chanda, Ameerapora, and Sultanpore, within four days, several pieces of artillery being taken. Sir Edward Lugard also commanded a division at the capture of Lucknow, and received the high praise of the Commander-in-Chief. In the following April and May he commanded the Azimghur field force, by means of which a large tract of country was recovered which had up to that time remained in the hands of the insurgents. Lord Clyde speaks of "the skill he had displayed," and expresses admiration of the manner in which the troops under his charge had borne exposure and fatigue. Sir John Michel commanded the Mhow field force, and defeated Tantia Topee at Beowra, with a loss of twenty-seven guns, in addition to his camp and baggage. Since that time he has been employed—and I venture to say he has been most assiduous in the discharge of that very arduous and disagreeable, but necessary and important duty—in hunting down the detached and broken forces of the insurgents. I now come to Brigadier Walpole, who received the praise of the Commander in Chief for his conduct at Cawnpore. He commanded a division at Lucknow, which Lord Clyde mentions as having been "admirably managed." Since that time he has been in command of a field force in Rohilcund and Kumaon, which has been frequently engaged with the enemy and signally successful, and I think those whom I address will feel that in the case of an officer who has rendered good service to the country, and who has long and faithfully discharged his duties, the mere accident of a single reverse—such as may happen to any general, however able, and such as the ablest generals have not been ashamed to acknowledge—affords no good reason why Brigadier Walpole should not receive those thanks which his general conduct has deserved. I have now to mention, with rather more particularity, the valuable and effective services of Sir Robert Napier. He marched with Havelock and Outram to Lucknow upon the occasion of the first relief. He remained and defended the Residency until the date of the final relief in November. The Commander-in-Chief writes:—

> "The success of the troops has been in no small degree promoted by the incessant and self-denying devotion of Colonel Napier, who has never been absent many hours, by day or night, from any one of the points of operation; whose advice has ever been readily tendered and gratefully accepted by the executive officers, whose earnestness and kind cordiality have stimulated and encouraged all ranks and grades amidst their harassing difficulties and dangerous labours."

And again, upon a late occasion, referring to the part which Sir Robert Napier took in the capture of Lucknow, Lord Clyde says, "it is difficult to give an adequate idea of the zeal and activity he has displayed." Since then Sir Robert Napier has held command of the Gwalior district, and among other services he performed the singularly brilliant and successful act of defeating with an inferior force, consisting mainly of cavalry, a large body of the enemy on their retreat from the capture of Gwalior, from whom he took twenty-four pieces of artillery. I believe I have now gone through the list of officers whose names are included in the vote which I have to propose, and if I have dwelt at some length upon that which, from the impossibility of going fully into details, is little more than a dry enumeration of services performed. I hope the House will believe that I have done so in the performance of a duty to those officers whose names I have mentioned. I am anxious before I sit down to explain the principle upon which this vote has been framed. In these campaigns, in every rank of the service, instances of gallantry, devotion and military skill have not been rare; but it would be impossible to recognize all those instances separately and individually even were we only to take the cases of officers holding comparatively high and responsible positions. In the selection of names to be included in this vote it was felt that the least invidious course, and that sanctioned by precedent, would be to consider the military standing of the individuals and the operations in which they had been engaged. We have included all those who have commanded independent divisions and have been actively engaged in the field. There is another rule which has been laid down in preparing this vote to which I wish to advert, because it may explain the omission of names which some hon. Members might think ought to have been included. It has been thought right not to go back to the operations of 1857, that is to say, to those operations which were within the knowledge of the Government of the day when the last Vote of Thanks was proposed, because nothing could be more improper or unseemly than that one Government should in a matter of this kind undertake to revise and possibly to reverse the decision to which its predecessors had come. I mention this because there are one or two names which, but for the necessity of some limitation such as that I have referred to, I would gladly have included in the vote. I think the services which Sir Patrick Grant rendered in 1857 were deserving of public and even national acknowledgment. Sir Patrick Grant for a time held the chief command in India previous to the arrival of Sir Colin Campbell, but he has not been actively engaged in the field during any portion of the last year, and therefore, acting upon the rule we have laid down, we found it impossible, though with regret, to include his name. There is also Sir John Jones who commanded a division which entered Rohilcund, who has been omitted from a similar cause. Brigadier Chamberlain, too, is not mentioned; but I am assured on the highest authority that no man did more to organize and discipline the Punjab force. Sir Sidney Cotton again, though not engaged in any regular campaign upon a large scale, yet rendered most valuable and effective service in keeping peace upon the wild frontiers of Eusofzye. And now, Sir, having paid the tribute that is due to those who live, it is not fitting that we should pass away entirely from this subject without recognizing the services of the dead. Operations like those which have been carried on for the last eighteen months, could not be conducted without a great and lamentable loss of life, and unfortunately the loss to the public service in that respect is not one which can be measured by any numerical test, because it is always the best and bravest officers who rush to the front,—who volunteer for every service of danger or difficulty, who expose themselves to every risk, and among whom, therefore, there is necessarily a disproportionate loss of life. Among the many brave men who have fallen in these campaigns there are two whom, without exposing myself to the charge of invidious preference, I may be allowed especially to mention. The first is Major Hodson, of the Guides, who, in his short but brilliant military career, displayed every quality which a cavalry officer should possess. Nothing is more remarkable in glancing over the biography of Major Hodson that has just appeared than the variety of services in which he was engaged, unless it be the energy and versatility with which he turned from one to the other. At one time displaying his personal courage and skill as a swordsman in conflict with the Sikh fanatics; then transferred to the Civil Service, the duties of which he performed as though he had passed his whole life at the desk; afterwards recruiting and commanding the corps of Guides, and, lastly, taking part in the operations before Delhi, volunteering for every enterprise in which life could be hazarded or glory could be won; he crowded into the brief space of twelve eventful years the services and adventures of a long life. He died before the reward which he had earned could be received, but he attained that reward which doubtless he most coveted—the consciousness of duty nobly done, and the assurance of enduring military renown. Sir, the other officer to whom I shall refer, bore a name the mention of which which will always be received with feelings of special and individual interest by Members of this House. No words of mine can add to the glory attaching to the short but noble career of Sir William Peel. He bore a name which is inseparably connected with the Parliamentary history of this country, and it was with feelings I may almost say of personal pride and of personal sorrow that we, who sit in this assembly, received the news of his glorious achievements and of his untimely end. For his own reputation, indeed, he had lived long enough; no future acts could have enhanced his fame. It is England, it is the people of this country that have to deplore his loss. The last Resolution which I propose is one which I am sure needs no words of mine to recommend it—I mean the Resolution acknowledging the valour, self-devotion and brilliant services of the non-commissioned officers and private soldiers, both European and Native, who have taken part in the suppression of the Indian mutiny. Never was British courage more nobly displayed, never was greater energy or endurance shown, and never were they more needed. In order to prevent any misapprehension, I propose to add words to the Resolution which—as was my intention by the original terms—will include the petty officers, seamen, and marines, serving in India. I believe, Sir, if the people of this country pay, as they do, one and all, rich and poor, respect to the courage and endurance of our troops in India, it is not merely in consideration of the results which that courage and endurance have produced. It is not merely because we owe to them the restoration of our power, the enhancement of our military reputation, but it is from other and different reasons. It is because we feel that the qualities of courage and endurance which have been so singularly displayed in this war are qualities which lie at the very root of our national character, and that if those qualities should cease to form a part of our national character, not only our military power, not only our possessions abroad would be endangered, but the honour, the independence, the safety, nay, the very existence of this great and world-wide empire, would no longer be secure for a single day. Without further comment, Sir, but with regret that I have detained the House so long, I beg to move the Resolutions which I have placed in your hand.

Viscount PALMERSTON.—Sir, in rising to second the Motion of the noble Lord opposite, I do not hope, nor will I attempt to add anything to those glowing and manifestly heartfelt commendations which the noble Lord has bestowed, in the speech which I am sure we have all listened to with the utmost sympathy and admiration, upon the distinguished men, civil, military, and naval, who are the subjects of the vote which he has proposed. But I cannot refrain from asking permission of the House to have the honour of coupling my name with the tribute of gratitude and respect which the noble Lord has now proposed that we shall offer to the persons who are the subjects of the Resolution. Sir, the occasion upon which we are now assembled is one of those bright periods which from time to time occur amidst the hostile conflicts of party politics in this House. There are occasions on which this House, forgetting all that party strife which is incident to the working of our constitution, and remembering only that it is the representation of the nation which sent us here, unites in offering a tribute of honour and gratitude to those men who have the good fortune to perform great services for their country; and those occasions are not only gratifying and honourable to the members of this House, but they are occasions on which this House becomes more than ever the organ and expression of the feelings of the nation. There never, perhaps, was an occasion more deserving of an expression of the Thanks of Parliament and of this country than that which we are now commemorating; for I may say, without fear of contradiction, that the great struggle in India which has been brought to a happy termination is one of the most remarkable events in the history not only of this country, but of any country that ever existed in the world. There never was an occasion on which a danger of such immense and fearful import broke out so unexpectedly among the authorities of a country; there never was an occasion in which a great danger was faced with more wonderful fertility of resource, and overcome with more complete success. The noble Lord opposite has so eloquently and so well dealt out to each of the persons mentioned in this vote the appropriate terms of praise belonging to their respective functions that it would be almost impertinent in me to attempt to add to the commendation he has bestowed on them. But it is impossible for me not to concur in those well-merited praises which he has apportioned to Viscount Canning, the Governor General. He has well said there never was a man placed in a more difficult position, or one who has shown greater resource and greater courage in facing danger, greater moderation in the use of success, greater spirit and daring, greater firmness in peril, and greater humanity towards those whom he was compelled by necessity to resist. We had the satisfaction of advising the Crown to confer on Lord Canning that high and important command which he has so well held, and undoubtedly we cannot but feel some gratification in thinking that the advice we gave to the Sovereign on that occasion has been attended with such happy results. Sir, with regard to Lord Elphinstone, whom also I have the honour of claiming as my friend, the noble Lord has paid a just tribute to the ability and energy which that noble Lord has displayed during the administration of his separate Presidency. It is needless for me to attempt to add to the just praises which have been bestowed upon that most eminent and distinguished public servant, Sir John Lawrence, and those other civilians whom the noble Lord has mentioned. But with regard to Lord Clyde and Sir Hugh Rose, two officers whose eminent services the noble Lord has so well sketched out, I certainly was thankful to the noble Lord for the manner in which he alluded to the circumstance of their having been appointed by the late Government. I must say, however, in justice to the illustrious person who now holds the office of Commander-in-Chief, that in all those appointments his Royal Highness was consulted by and co-operated with Her Majesty's late Government. Undoubtedly it is not too much to say of Lord Clyde that he has shown all the great qualities which combine to make a great military commander—courage, ability, skill, discretion, care for his soldiers, the power of combining movements, personal endurance, and contempt of danger; in short, there is not a quality which goes to constitute a great military commander that Lord Clyde has not had an opportunity of showing in the distinguished part he has been called on to play. I am glad that his health has not materially or permanently suffered by the exertions and dangers he has undergone, and I trust when his period of service is over he may return in the possession of all his natural vigour to receive that honourable welcome which a grateful country owes him. With regard to Sir Hugh Rose, I had the good fortune to place him many years ago in the position in which he gave that promise of distinction which he has since so amply fulfilled. In every position of command in which Sir Hugh Rose had previously been placed, whether in Egypt, Syria, or the Crimea, he showed that he possessed those qualities which he has since had an opportunity of more fully developing, and in the development of which he has so justly entitled himself to the honour and thanks of this House. I could not hope to add anything to the tribute bestowed by the noble Lord on Sir James Outram and those other persons whom he has mentioned; but, with regard to Sir Hope Grant, we may trust one day to see adorning the walls of our National Gallery some record of his distinguished exploits from the hands of the eminent artist who is his near relation in this country. I should be trespassing too far on the indulgence of the House by going into details to which the noble Lord has adverted with so much good taste and feeling. So far from thinking the noble Lord exceeded the proper limits connected with the task he had to perform, I am sure, from the manner in which he stated what he had to state, if he had not thought it wrong to intrude further on the attention of the House, his natural feelings would even have prompted him to add still further to the well-merited testimony which he has borne to the services of these distinguished men. It is needless to say of any of our English soldiers and sailors that wherever they may be they are sure to perform their duty to their country with all the courage, perseverance, and ability which have uniformly characterized their distinguished services. I should say in passing that the noble Lord very handsomely mentioned the services of certain officers who had not been included in the vote which we proposed when in office, and whom, therefore, he thought the present Government were debarred from including in the vote they now propose, because their services had not been performed subsequently to the date of that Vote of Thanks. I ought in justice to those officers to say that the late Government deemed themselves bound, by certain rules and the practice of Parliament, to select only those officers they enumerated in their Resolution, and that if we had had merely to look for those meritorious officers whose services entitled them to that distinction the list would not have been so limited; but the ordinary rules observed in those matters compelled us to confine ourselves to those who held a particular position and whose services had been of a particular nature. I was about to say, Sir, that there is one class of British subjects in India whom it is not possible to include in a Vote of Thanks of this kind, but whose courage and conduct are not undeserving of mention in this House. I allude, Sir, to the great number of civilians who are scattered over the whole of India. I am reminded by an hon. Friend behind me that allusion was made to them in our last vote. But, Sir, I allude not only to men but to women, who were exposed to the greatest perils and dangers, and whose conduct throughout the entire crisis was of the most heroic character. We have frequently seen records of endurance on the part of persons who have gone forth to explore distant countries, who have traversed deserts, who have been exposed to the privations of famine and to the dangers arising from hostile and wild tribes; we have read of the sufferings of shipwrecked crews who have undergone difficulties which it was hardly possible to suppose human nature could endure; and we have all of us perused the records of great battles by sea and land, and read of the skill of commanders and the bravery of the men serving under them; in all those cases, however, it was either an individual effort of courage and endurance that was manifested, or it was a great action performed by men trained to that particular service, whose minds were prepared for the dangers they had to endure, and who were supplied with all the means and appliances by which those dangers could be resisted. But in India we saw thousands of British subjects, scattered in handfuls over immense tracts of country, and placed there for purposes of administration, of commerce, or of agriculture, unprepared to encounter difficulties involving the necessity of fighting for their lives and their property. We have seen those people suddenly overwhelmed by a hurricane for which they were totally unprepared, but—to use the language of M. Montalembert in his recent eloquent work—"every one fighting, and every one resisting." I say that was a spectacle in the highest degree worthy of the national character, bringing out, as it did, in the strongest and boldest relief, individually and personally, in both men and women, those qualities of mind and determination which I trust will ever distinguish the nation to which we have the happiness and honour to belong. Those who had to defend themselves at the shortest possible notice have fought in a manner worthy of the most heroic ages, while those whose lot it was to be overwhelmed met their fate with a dignity and firmness which were as honourable as the victories achieved by others. Both sexes of our fellow country people have equally distinguished themselves, and we cannot too constantly bear in mind their heroic actions, because they are an honour to the country to which we belong, and must tend to raise it to a high point in the estimation and respect of all the nations of the world. I have only to add, in conclusion, that I cordially concur, as I am sure the House will do, in the vote which the noble Lord has proposed, and that I gladly acknowledge the very handsome and eloquent manner in which the noble Lord has discharged his duty upon the present occasion.

Sir DE LACY EVANS said, he rose to offer his hearty acknowledgments to the Secretary for India for his very able and judicious speech. No honour was more appreciated by the naval and military services than the Thanks of the House of Commons, and he rejoiced that on the present occasion the vote had been proposed in such handsome and eloquent terms. The noble Lord clearly manifested that he at least did not regard this duty as a mere ceremony: he looked upon it, as it was, as a matter of high importance. He had observed the strictest equity in his statements; but it was to be regretted that no precedent existed for including in the Vote of Thanks itself, as well as in the speech of the noble Lord, the names of the distinguished persons who had fallen in India. He (Sir De Lacy Evans) most cordially concurred in the praise bestowed on that excellent sailor—that excellent soldier—Sir William Peel. He would not further detain the House than by requesting the Government to consider the propriety of erecting a monument to those noble individuals.

Lord JOHN RUSSELL: Sir, perhaps I may be allowed the privilege of adding my voice to the Vote of Thanks which has been proposed in such eloquent terms by the noble Lord opposite. I was delighted to hear him speak of the merits and services of those officers who, from the Governor General downward, have distinguished themselves in India, and are mentioned in the vote he has proposed to the House. I certainly shall not pretend to follow him in detailing the deserving conduct of those officers, but shall content myself by saying that in the aggregate there were never greater services performed than those which have been rendered by our civil and military officers who had to meet and resist the dangers of the Indian mutiny. There never was a greater danger, and there never was a more complete sucsess. The dangers we had to encounter, and the successes we achieved in former times in India, from the time of Clive down, great and important as they were, become in a manner insignificant when compared with our recent trials and our recent triumphs. In former times we had to meet the Native forces equipped only with their own arms, adopting only their own mode of campaign, and acting upon defective military science; but in this mutiny we have had to encounter a trained and an immense force, armed and disciplined by ourselves—an arrow feathered from our own wing—and those who have overcome the danger have earned for themselves imperishable glory. Whether we look to the conduct of our troops when acting upon the offensive or defensive—whether we look at the aggressive operations at Delhi, or the marvellous defence of Lucknow—in every part we meet with the greatest courage, endurance, and devotion on the part both of officers and men. Sir, I should not have risen on this occasion if it were not for one thing not mentioned in the vote—not that I find fault with the noble Lord for the omission of it, but while the maintenance of our empire in India is one of the greatest difficulty, we ought, I think, to feel thankful that during the chief heat of the insurrection we have had the assistance of the most eminent and illustrious of the Native Princes—I would especially name Holkar, Scindiah, and the Nizam. The greatest honour is, I think, due to them for their fidelity, and the utmost readiness with which they afforded to our men, in the moment of their danger and surprise, every assistance in their power. They sorrowed for our losses, they rejoiced at our triumphs, and we owe them our thanks for their sympathy and support. I mention this the rather because, while we have every reason to rejoice at our triumphs, I remember that on the occasion of the former vote the noble Lord pointed to a truth, and told us in most forcible terms, that while we ought to rejoice in the victories of our countrymen, there was a danger lest those who had achieved them might show a want of consideration and kindness to those who belonged to a different race. I thought the suggestion of the noble Lord a very wise one; and I rejoice to find that every means were taken to avert the danger to which he then referred. It is said by Lord Metcalfe, in one of those admirable letters of his, that our empire in India is not wholly an empire of force, or wholly an empire of opinion, but is one of a mixed power of force and opinion. I trust that those duties which are incumbent on the noble Lord, and which he has shown himself so competent to fulfil, will continue to be performed in such a manner that we shall have to rejoice not merely at military and naval triumphs, but at the fact that those who are in command in India have earned for themselves the affections of the Natives, and that our empire of opinion has become as strong and as lasting as our empire of force.

Mr. VERNON SMITH: Sir, although it may appear some what presumptuous in me to think that I can add anything to the speeches which we have just heard, yet I hope the House, considering the position which I filed in the councils of the country during the great part of the mutiny in India, will allow me, in a few short sentences, to express my cordial concurrence me in the Vote of Thanks which the noble Lord has proposed. During the whole of the anxious autumn of 1857, one of my chief consolations was the confidence which I could repose in the great and illustrious men of whom the noble Lord has spoken in such eloquent terms. When every heart was throbbing with anxiety in England, and even the most sanguine entertained fears for the safety of our Indian empire, what a consolation was it to reflect that we had in the East such men as Canning, Outram, Grant, Mansfield, and the others whose names are included in the Vote of Thanks! I rejoice that the noble Lord has added fresh names to those which we brought before the House last year, but I regret that, following, as he says, our example, he has not introduced the name of Sir Patrick Grant. The reason why Sir Patrick Grant was not mentioned in the Vote of Thanks which we proposed last year was that he had not been immediately engaged in any of those actions which we were then commemorating; but at the close of the mutiny I think his name ought to be included. My reason for saying this is so much the stronger, because I had the good fortune to appoint him to the command of Madras, and that was the first occasion on which an Indian officer was appointed to so great a command in the Presidences. I know that that circumstance had a great effect on that service. The name of Grant was hailed with acclamations by the Directors of the East India Company when it was mentioned for the appointment, and the appointment was acknowledged to be a fit one by the Commander-in-Chief at the Horse Guards, and by the Crown. But the noble Lord the Secretary for India is correct in his statement that that officer's name was not included in the Vote of Thanks before, and therefore it is that it is not included on the present occasion. There is another name not so generally known in England, but known to me from the opportunities I had of becoming acquainted with it—I allude to Major-General Roberts. He is known through the Bombay army as one of the best officers in that service and his achievements, as described by the noble Lord the Secretary for India, have been of invaluable service. The noble Lord having detailed the whole proceedings, having given such generous praise to every one concerned, and made so brilliant a speech, all I can do is to add general applause to the approbation he has bestowed on specific cases. It is a great pride for this country that all classes when called on to exert themselves in such operations, exhibit themselves fitted for the occasion. The noble Lord's first Resolution applies more particularly to those who had the duty of presiding over the acts of others than to those who were themselves actors in these achievements. Among these, and at the head of them, of course stands the Governor General of India. I think that the country has a right to be proud of that great statesman Viscount Canning. I recollect the dinner given to him on his going out to take the government of India, and he then expressed a hope that everything would be peaceful during his reign; and although he could not be expected to foresee everything still he did foresee somewhat, for he added, that if we should not continue at peace, we ought to deserve it by exercising good faith towards the Native and subsidiary States; and then if peace should unfortunately be broken, we should be prepared with a good conscience to strike the blow, and it would be a blow struck with such effect that the struggle would be short. Viscount Canning has entirely acted up to everything he stated on that occasion. I am not inclined to allude on the present occasion to any bygone circumstances, but as regards Viscount Canning, it is part of his eulogy that during his tenure of office he was vehemently and unscrupulously assailed, and that he met the anger and abuse of persons in his own country with the same calmness and resolution with which he opposed the revolt and insurrection in India. The noble Lord stood forth an example of moderation and firmness, because in all cases he resisted both extremes by his courage and constancy; and an eloquent tribute has been rendered to his courage and conduct in that respect by the Secretary for India. It will be recollected that he deliberately put aside the advice tendered him even by such authorities as Sir John Lawrence and Sir Archdale Wilson, to treat with the King of Delhi during the insurrection, and at the same time he refused to listen to the council of many persons, who, in their alarm, urged him to act with greater severity towards the unfortunate inhabitants of India. It is the praise of Viscount Canning that he never forgot to look to the hereafter of that great country over which he presided. He acted indeed with vigour, but he was also determined not to stain the annals of his reign with such severity as would afterwards make the name of England odious and detestable. The noble Lord the Secretary for India had eulogized with great propriety the conduct of Lord Elphinstone. Few people know what resources that noble Lord displayed on the first outbreak of the rebellion. It was to him that we were mainly indebted for securing the earliest supply of troops from the Cape and Ceylon. He took upon himself every responsibility, denuding his Presidency almost entirely of troops to give them to the service of Bengal. There was no act of responsibility which he shrunk from during that most eventful period. The noble Lord had accounted for the omission of the name of Lord Harris from the Resolution. True, he was an Administrator, and during the whole course of the time very little took place in the Presidency of Madras which called for military energy and decision in the suppression of mutiny ; but Lord Harris was not wanting in any quality which his position required, and for that reason he was included in the vote of 1858. The Secretary for India had spoken so handsomely in his praise this evening that I hope that speech will compensate Lord Harris for any dissatisfaction he might feel at finding his name omitted. It would be idle to attempt to speak in terms of greater approbation than the whole nation feel for Sir John Lawrence. He is now among us to contribute his powerful aid to the council of the noble Lord, and I am certain that England will meet with acclamation the man who saved for her the whole district of the Punjab in one of the most difficult positions in which a man could be placed, while at the same time he tendered excellent counsel to the Council and Governor General. In speaking of those who survive, we must not altogether forget the mighty dead. I believe that no man took a better part in Indian Administration than Sir Henry Lawrence. He fell early, and his loss was much to be deplored, for there was no man who stood higher through his writings and his books than Sir Henry Lawrence. Death closes, or ought to close, the lips against the failings of eminent servants of the public ; but there is no reason why the mouth should not open in praise of the departed. His death, therefore, allows me to open my lips to speak of facts, which discretion or the fear of the jealousy of contemporaries might prevent me disclosing in his lifetime. I think I may now be allowed to state publicly what is generally known to the friends of Sir Henry Lawrence. In the early period of the outbreak of the melancholy mutiny, when battle was striking down many military men, and when disease was destroying some of the wisest and best councillors of India, it occurred to the Government that it was possible that some illness might attack or death seize upon the Governor General. It then became my duty to look out for a person who in such an event should take the place of Viscount Canning; and, with the entire consent of the noble Lord the Member for Tiverton, then Prime Minister, I fixed on Sir Henry Lawrence. That appointment of provisional Governor General, was accepted at once by the East India Directors, who knew the services of Sir Henry Lawrence, and was also fully approved of by Her Majesty the Queen. I feel it right to state this as due to the memory of that great man, because it shows that the position he achieved for himself, unaided by anything but his own merits, was fully recognized by his masters, the East India Directors and by the Sovereign. The noble Lord the Secretary for India has mentioned the name of Mr. Frere. No man stands higher in India in reputation than the Governor of Scinde. Among many circumstances which are so satisfactory in the power of offering thanks to the great men who achieved such remarkable success there is one feature certainly of dissatisfaction, which is this—that we praised the prominent men who suppressed the revolts and insurrection, but are almost necessarily obliged to be silent on the merits of those who preserved a province where no insurrection or revolt took place. I am therefore glad to see introduced into the Resolution the name of Mr. Frere. He, together with General Jacob, preserved that province almost without troops, and mainly, I believe, by the authority and terror of—among the troops the affection for—General Jacob. General Jacob has gone from among us : but he has left in his writings sufficient to show what wonders the determination of one resolute will may achieve over the minds of other men, particularly the European mind over the Natives. I believe it was entirely owing to the discipline of the troops in Scinde that not one of them stirred when the rest of the Native army were up in revolt. I am also glad to find the name of Sir R. Hamilton mentioned in the Vote of Thanks. He became thoroughly cognizant of the habits of the Natives and acquired great dominion over their minds, and it was very much owing to him that Holkar and other Native Princes took no active part in the late insurrection. The noble Lord the Secretary for India has paid a tribute of eulogy to Colonel Davidson, and Major Macpherson is also entitled to much praise. He contrived, by management of which we have as yet no knowledge, to prevent the Gwalior Contingent, after they revolted, from joining the other insurgents during two or three of the most perilous months of the year; and to him was much to be attributed the maintenance of tranquillity in that part of India at a period when insurrection and attack might have proved most injurious. The noble Lord the Member for Tiverton has alluded slightly to the omission of civilians from the vote. I imagine the noble Lord's (Lord Stanley) reason for omitting their names is, that since the Thanks of this House were voted to them in 1858 they have had no opportunity of exhibiting such remarkable energy and courage as they had displayed previously. They are a body of men to whom it is impossible for any one who has been connected with the affairs of India to hesitate to pay the highest tribute of admiration; but they have abundant work before them hereafter, which will be more congenial with their character and occupation. I trust that, although their names are omitted from this vote, they will be aware that the country looks forward with the expectation that they will show as much diligence, activity, and determination in the reform of Indian Institutions and in the economy of Indian expenditure as they have exhibited in the preservation of the British empire in India. I beg to express to the noble Lord the Secretary for India the sincere pleasure with which I have listened to his speech, which I am sure will find a most cordial response in the feelings of this House.

Colonel NORTH said he begged to add his tribute of thanks for the services of those distinguished men whose names were mentioned in the Resolutions of the noble Lord. He thought it was a most important and fortunate circumstance that there should have been at the head of the Government of India when the mutiny broke out a nobleman like Viscount Canning, in the prime of life, full of energy, activity, and courage, and possessed of those qualifications which rendered him especially fitting to meet the difficulties by which he was surrounded. He (Colonel North) believed that since the world began no man was ever placed in so awful a position. Without the slightest warning, without the least apprehension, a most gigantic mutiny broke out, and when his noble Friend turned for support to those regiments which had previously maintained the highest character for loyalty and discipline, and which Sir Charles Napier had described as constituting one of the finest armies in the world, he found he had to rest upon rotten reeds and that the most distinguished regiments were in fact the most mutinous. If under those circumstances his noble Friend had committed errors, they at least ought to have been viewed with the greatest lenity; but instead of committing errors, from the moment of the outbreak to the present time his noble Friend had shown the greatest activity, the greatest discretion, the greatest courage, and the greatest humanity. With the assistance of that glorious old soldier, his noble and gallant Friend Lord Clyde, backed by the invincible army under his command, he had secured the safety of our empire and upheld the honour of the British name in India. Recent events had certainly entailed great losses upon this country; at the same time they had given an opportunity for the display, perhaps more conspicuously than on any former occasion, of those high qualities which pertained to the English character. Courage and devotion in their country's cause had not been confined to the military and naval service or to the sterner sex alone, and at no period had the courage and devotion of all classes of our countrymen been more strongly exhibited than during the last two years in India. Perhaps the House could not mark publicly their admiration of this conduct, but they had every reason, and he believed they would be happy, to testify the deep admiration they felt at the manner in which their countrymen and countrywomen in India had conducted themselves on so many occasions, under circumstances which might have appalled the stoutest heart. He was extremely pleased at the terms in which the right hon. Member for Northampton (Mr. Vernon Smith) had alluded to the name of Sir Patrick Grant. He (Colonel North) had given notice to the noble Lord the Secretary for India that he should move an Amendment on this occasion in order that the name of Sir Patrick Grant might be added to the list of distinguished officers contained in the vote. He had not the honour of Sir Patrick Grant's acquaintance, but from the inquiries which he had made amongst Indian officers, and officers in the Queen's service, he found that there was but one opinion entertained—namely, that of the many distinguished officers which the East India Company had produced there was none more distinguished than Sir Patrick Grant. He knew that the gallant General had felt hurt at his name having been omitted from the Vote of Thanks on a former occasion; but he was confident, from the manner in which the right hon. Gentleman (Mr. Vernon Smith) had spoken of his services—and the noble Lord the Member for Tiverton had on all occasions shown himself jealous of the honour of English officers—that that omission was entirely accidental; and he lamented that by the rules of the House the name of Sir Patrick Grant could not be added to the present vote. It would be gratifying to the gallant officer, no doubt, to hear the individual opinions which had been expressed by the Ministers of the day; but all must feel that, flattering as those opinions might be, they could in no way be compared to a Vote of Thanks on the part of the House. Still, after the terms in which the noble Lord the Secretary for India and the right hon. Gentleman had spoken of Sir Patrick Grant, and feeling how advantageous and desirable it was that these votes should be carried unanimously, he (Colonel North) would not move the addition of which he had given notice. One further remark he would make. Perhaps the House was not aware that, upon the receipt of the intelligence of General Anson's death, his noble Friend Viscount Canning telegraphed to Madras, and ordered Sir Patrick Grant to repair at once to Calcutta. That gallant officer immediately gave up the command of the Madras army, and in two or three days left for Calcutta, where he organized that illustrious column which, under the command of the distinguished and lamented Havelock, performed such eminent services for their country. It was at his suggestion also that the Naval Brigade was formed; and he believed, further, that the preparations made by Sir Patrick Grant enabled Lord Clyde to take the field with such success on his arrival in India. Having made these observations he should content himself by saying it was not his intention to press his Amendment.

Mr. KINNAIRD said, that while agreeing cordially in nearly all the observations of the noble Lord (Lord Stanley), he must express his regret that it was thought necessary to adhere so strictly to precedent as to omit from the vote the names of many men who had rendered valuable services to the country. The noble Lord had said that the vote was confined to officers who had distinguished themselves in general action; but many officers had rendered inestimable service by maintaining tranquillity on the frontier. Sir Sidney Cotton and Colonel Edwardes, by days of toil and nights of anxiety, by firmness, wisdom, and conciliation, preserved perfect tranquillity at Peshawur, where they not only had to contend with the wild tribes of the frontier, but to hold in check with a very small European force five regiments of mutinous Sepoys. Yet these men, who deserved the deepest gratitude, were, in consequence of strict adherence to precedent, precluded from having their names mentioned in the vote of that House. There were at present in this country the only two surviving officers who escaped from the dreadful massacre at Cawnpore—Captain Thomson and Lieutenant Delafosse; yet, although they had served throughout the whole of Havelock's campaign, they had received no mark of distinction, and he thought they were entitled to some recognition of their services.

Mr. W. VANSITTART said, he was anxious to bring under the consideration of the noble Lord and the House one who had rendered great and important services to the English Government during the past five years. Whether it was competent to include the potentate in question in this Vote of Thanks he knew not, but his object would be partially gained by availing himself of this opportunity of bringing his name prominently forward, in the hope of his obtaining that expression of praise and public gratitude which he had so honourably earned. He alluded to Mohamed Said, the present Pasha of Egypt. It was probably in the recollection of hon. Members that during the Crimean war the want of cavalry was much felt, and that Her Majesty's 10th Hussars and the 12th Lancers were accordingly ordered to proceed by the overland route from India to the Crimea. The present Pasha not only forwarded these two splendid regiments, nearly 1600 strong, through his territories from Suez to Alexandria, at his own expense, but during their detention at Cairo he entertained the officers and men in a most hospitable manner. In 1857-8 he rendered every possible assistance in forwarding our troops through his territories, from Alexandria to Suez, in considerable numbers; he had not the return on the subject to refer to, but he believed he was correct in saying not less than 10,000 men; and so admirable were the Pasha's arrangements, that they were much more than sufficient to meet our requirements. His Highness had constructed, at his own expense, a railway across the Isthmus of Suez, which not only contributed very much to the convenience and comfort of our passengers, but was of great importance to our traffic with the East by this route; and he had afforded and continued to afford the greatest possible facilities to all their important traffic. No public thanks, no decoration, and no honour of any description had been accorded to the Pasha by our Government, although few of our allies deserved more at our hands; while at the same time he had been decorated by nearly all—certainly by most—of the other European Powers, none of whom participated, beyond a mere fractional degree, in the benefits which had been secured to us by his active and continuous efforts to meet our wishes. Under these circumstances he hoped that the noble Lord and the House would excuse the liberty he had taken in availing himself of this opportunity to introduce the name and services of Mohamed Said, the present Pacha of Egypt.

General CODRINGTON said, that if any doubt could have been thrown upon the value of the thanks of this House that doubt must have been removed by the speech of the noble Lord the Secretary for India, than which he felt sure that nothing could be more eloquent or more acceptable to the service, nor was it his intention to detract in the least degree from the unanimity with which it had been received. It was not the least, however, of the privileges enjoyed by a professional man who had the honour of a seat in that House that he had it in his power, when requested, to defend an absent officer, should that officer's character be at any time called in question. Now, there was one officer to whom he must be allowed to refer on the present occasion because, in the course of the mutiny, he had been grossly blamed, even by civilians in the service of the East India Company. He alluded to Major General Johnstone, who had commanded at Jullundur. It had been said that that gallant officer neglected his duty, and this had been stated in terms that were even coarse. General Johnstone referred the whole matter to the Commander-in-Chief, and in justice to his character he (General Codrington) would read in a few words what was the opinion of the Commander-in-Chief on the gallant officer's conduct. Lord Clyde's judgment was this :—

> "It is evident that he was impressed with a strong sense of duty, and acted to the best of his ability; his military character, therefore, stands out clear and unsullied after this inquiry, and the utmost that he can be accused of is an error in judgment in one particular, and the Commander-in-Chief conceives that atonement is due to him."

He (General Codrington) referred to this matter, because the feeling against General Johnstone was at the time very strong in India, and he suffered a great deal in consequence. He trusted, however, that the opinion of the Commander-in-Chief, which he had just read, would altogether exonerate the gallant officer from blame. Another officer who had been hardly treated was Major-General Windham. He had been excluded from the thanks of Parliament on the last occasion; but if Lord Clyde's second despatch, with reference to the engagement at Cawnpore, had come home before that vote had been proposed there could be no doubt that that exclusion would not have occurred, and General Windham would have shared in that honour. On the subject of these actions at Cawnpore Sir Colin Campbell wrote, on December 20, that there was an omission which he had to regret in his despatch of the 2nd, and he begged then to repair it. He desired to make his acknowledgment of the great difficulties in which General Windham was placed in the operations described in that officer's despatch, and to recommend him, and the officers under him, to the protection and good offices of the Governor General. Viscount Canning accordingly, in a general order, stated that General Windham's reputation, as a leader of conspicuous bravery and coolness, would have lost nothing from an accidental omission, such as Sir Colin Campbell had occasion to regret, and the Governor-General had felt it his duty to bring under the notice of the Government in England the difficulties with which General Windham and the officers and troops under his command had to contend. When blame had been thrown upon officers, and the real facts were afterwards stated by the Commander-in-Chief, it was only fit that their exculpation should be as publicly known as the statements in which their conduct had been impugned. Nothing could be more true, and more eloquent because true, than the terms in which the noble Lord had proposed the thanks of that House to the civilians who had so eminently deserved them, and to the military officers who had done so much for their country. The Commander-in-Chief was worthy of all the honours he had received, and it was to be hoped that Lord Clyde would come home in good health to enjoy them.

The first three Resolutions were then put and *agreed to.*

Upon the fourth Resolution.

COLONEL SYKES said, that as an old Sepoy officer—and he took pride in the appellation—he deemed it his duty to call the attention of the House to the peculiar circumstances in which the native army of India had been placed during the recent lamented disturbances. He wished the noble Lord had thought it consistent with his duty to mention specifically in this Vote those portions of the armies of Madras and Bombay which had taken so distinguished a part in the suppression of the mutiny. When it was remembered that the Madras force possessed a large infusion of the class of men who constituted the Bengal army, and that the Bombay army contained two-fifths, if not one-half of the same class from the same localities—when it was remembered, too, that the Bengal army was in constant communication with these men, using every possible effort to induce the Madras and Bombay Sepoys to swerve from their duty—it would, he thought, be conceded that native troops had never been exposed to so severe an ordeal, in spite of which they had stood fast to their allegiance, and had manifested in the strongest possible manner their devotion to British interests in India. Those very troops which had done such good service on the frontiers of Madras and Bundelcund under Generals Rose and Roberts, who had been so much and so deservedly eulogized by the noble Lord, had been forwarded to their destination owing to the energy, zeal, and prudence of the Governor of Madras and the Commander-in-Chief in that province. The Bombay Infantry had been justly eulogized, and, he might add, with respect to the cavalry, which consisted of three regiments, that the first, which was composed of Brahmins, Rajpoots, and high-class Mussulmans, had vigorously charged a brigade of mutineers furnished with guns at Neemuch, and had been driven back with desperate loss. The second regiment had been in the field since August, exposed to every kind of privation, and he had received a letter in which it was stated that the Sepoys had marched 166 miles in four days, with only the firmament for their canopy and the ground for their bed, and yet that a murmur had not escaped their lips. The 3rd Bombay Regiment of Cavalry had been in the field ever since the time of the Persian war, and had taken part in the actions which had been enumerated by the noble Lord the Secretary for India, and yet as he had been informed by its commanding officer now in this country on sick leave it had not lost a single man by desertion. Were not those proofs, he would ask, that reliance might be placed on the fidelity of a Sepoy army? Did those facts justify us in placing no confidence in those men for the future? There ought to be no hesitation to the answer which should be given to that inquiry, and he must, before he sat down, express a hope that the Government would act upon the policy of displaying for the future confidence in the fidelity of the native troops, and thereby enable this country to rule India with such an European force as might save her finances from utter ruin.

Resolution *agreed to.*

Resolved, Nemine Contradicente,

"That the Thanks of this House be given to the Right honourable Charles John Viscount Canning, G.C.B., Her Majesty's Viceroy and Governor General of India; the Right honourable John Lord Elphinstone, G.C.B., Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, baronet, G.C.B., late Lieutenant Governor of the Punjab; Sir Robert North Collie Hamilton, baronet, Agent to the Governor General in Central India; Henry Bartle Edward Frere, esquire, Commissioner of Scinde; and Robert Montgomery, esquire, late Chief Commissioner in Oude,—for the ability with which they have severally employed the resources at their disposal for the re-establishment of Peace in Her Majesty's Indian Dominions."

Resolved, Nemine Contradicente,

"That the Thanks of this House be given to General the Right honourable Lord Clyde, G.C.B., Commander-in-Chief in India; Lieutenant General Sir James Outram, baronet, G.C.B.; Major General Sir Hugh Henry Rose, G.C.B.; Major General Henry Gee Roberts; Major General George Cornish Whitlock; Major General Sir Archdale Wilson, baronet, K.C.B.; Major General Sir James Hope Grant, K.C.B.; Major General Sir William Rose Mansfield, K.C.B.; Major General Sir Thomas Harte Franks, K.C.B.; Major General Sir Edward Lugard, K.C.B.; Major General Sir John Michel, K.C.B.; Brigadier General Robert Walpole, C.B.; Brigadier General Sir Robert Napier, K.C.B.; and Captain Edward Sotheby, R.N., C.B., for the eminent skill, courage, and perseverance displayed by them during the Military Operations by which the late Insurrection in India has been effectually suppressed.

Resolved, Nemine Contradicente,

"That the Thanks of this House be given to the other gallant Officers of Her Majesty's Army and Navy, and also of Her Majesty's Indian Forces, for the intrepidity, zeal, and endurance evinced by them in the arduous operations of the late Indian Campaign."

Resolved, Nemine Contradicente,

"That this House doth highly approve and acknowledge the valour, self-devotion, and brilliant services of the Non-Commissioned Officers and Private Soldiers, both European and Native, and of the Petty Officers and Seamen and Non-Commissioned Officers and Marines, who have taken part in the suppression of the recent disturbances in India; and that the same be signified to them by the Commanders of their several Corps, who are desired to thank them for their gallant behaviour.

Ordered,

"That the said Resolutions be transmitted by Mr. Speaker to the Governor General of India; and that his Lordship be requested to communicate the same to the several Officers referred to therein."

FOREIGN AFFAIRS.

OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER said, that during the discussion which had just terminated he had received a communication from his noble Friend at the head of the Foreign Department, to the effect that it would be conducive to the public interest that his promised statement with respect to the present negotiations on European affairs should be postponed until Monday next. With the permission of the House, therefore, he would postpone his statement on the subject until that day, when his noble Friend would make a similar statement in the other House of Parliament.

CONSOLIDATED FUND (APPROPRIATION) BILL.

THIRD READING.

Order for Third Reading read.

Sir HENRY WILLOUGHBY said, he would take that occasion to ask the Secretary for the Treasury for information with reference to the expenditure of the votes of credit, amounting on the whole for the years 1854, 1855, 1856, to £8,000,000, which had been granted during the Russian war. He wished to ascertain whether the entire of that sum had been expended, and, if not, what the balance was which remained still unappropriated?

Sir STAFFORD NORTHCOTE said, the actual state of the fund to which the hon. Baronet referred was, that £6,400,000, had been actually laid out on account of the service of the war. With regard to the remaining £1,600,000, the power to draw one million of it out of the Exchequer had been surrendered last year, which left a sum of only £600,000 to be accounted for. As soon as the Army and Navy accounts were wound up it was his intention to lay a statement of the manner in which the whole of the money had been expended on the table of the House. Only one account, he believed, involving a sum of any magnitude remained to be settled. It was connected with our arrangements with France, in reference to what took place during the Crimean war, and was in progress of settlement. It was possible, too, that there might be some charge on account of the German Legion; but as soon as those two items were arranged the balance of the votes would be formaly transferred to the Exchequer, and the accounts laid before Parliament.

Bill read 3° and *passed.*

JEWS' ACT—REPORT.

Report of Select Committee read.

Mr. WALPOLE: I rise, to call the attention of the House to the Report of the Select Committee on the Jews' Act. The House will recollect that the hon. Member for Finsbury (Mr. T. Duncombe) placed a Motion on the paper for leave to introduce a Bill by means of which some difficulties which it was thought might probably arise in carrying into effect the provisions of the Act of last Session, would be avoided; those difficulties being connected with the question whether a person of the Jewish persuasion would be enabled to take his seat at the commencement of a new Parliament. The hon. Member for Finsbury was anxious to introduce a Bill to enable the House to pass a Standing Order by means of which, until it was repealed, a person of the Jewish persuasion would be able to take his seat. Great difficulties have arisen as to the proper construction of the Act; those difficulties, however, have been considered in Committee, and the Committee think that the doubts created by that Act of Parliament are so great that it would not be prudent to attempt to do by a Standing Order that which the Legislature has empowered either House of Parliament to do by Resolution only. There is this difference between a Standing Order and a Resolution. I will explain it in the words of the late Speaker. In answer to a question which was put to him by the noble Lord the Member for the City (Lord John Russell) on the 12th April, 1842, the late Speaker (Mr. Shaw Lefevre) observed—

> "The distinction between a Resolution and a Standing Order is this, that a Resolution is only binding throughout the then present Session of Parliament in which it is passed, and therefore during that Session it cannot be questioned, although it may be questioned during any other Session of Parliament; but a Standing Order is binding upon all future Parliaments until either repealed or revoked."

I believe, Sir, when Baron Rothschild came to the table to take his seat, you expressed it to be your opinion (and if I may take the liberty of saying so, that was an opinion in which the Committee entirely concurred) that the mode then pursued was the proper one. A Resolution was then passed in the words of the Act of Parliament authorizing a Member professing the Jewish religion to take his seat. During the present Session another Member professing the Jewish religion came to the table, and as, according to the Speaker's ruling, the Resolution of the preceding Session did not affect him, another Resolution had to be passed, which will enable any other Member of that persuasion to take his seat and the oaths during this Session. But the case would be very different supposing the Member to come up in another Session. The Resolution will have no operation then. It is true you may turn the Resolution into a Standing Order, but if you do that, you must take care to keep within the statutory power, which makes no mention of a Standing Order, but merely provides that a member of the Jewish persuasion, on taking the Parliamentary oath, may omit the words "on the true faith of a Christian." The difficulty is, when a new Parliament is elected, to reconcile the power conferred by the Legislature on either House of Parliament to admit persons of the Jewish persuasion by Resolution, with the privilege which belongs to every Member to come and take his seat as soon as he thinks fit so to do. We propose to treat the question in this way. When a new Parliament is chosen, the Speaker is first selected, and he first takes the oath himself, and then proceeds to administer it to the other Members. No other business is transacted till Her Majesty has delivered the Speech from the Throne, and then the business of the Session commences. But before that time it is obligatory that those who take part in the business should have taken the oath. It was the opinion of the Committee that there should be nothing to prevent the Jewish Members from taking their seats as soon as the other Members; but they were also of opinion that it would be expedient to abide by the practice adopted in the last and present Session of Parliament. To meet the difficulty, however, they suggest that a time may be appointed for the House to decide whether effect shall be given to the statute by passing the Resolution which the statute requires. The only remaining question then is, on what day will such a Resolution be best considered, so as to secure the deliberate judgment of the House, with a full attendance of Members. Three days occupied in swearing in Members gives every Member an opportunity to be sworn at the table if he choose, between the time of the election of the Speaker and the Speech from the Throne. If, therefore, we fix four o'clock on the fourth day as the time when the House may pass the Resolution to enable the Jew to take his seat, omitting the words to which he has a conscientious objection, you will secure a full House to decide the question, and you will deprive no Member of the privilege of taking his seat as soon as circumstances admit. We say, in recording the conclusion at which the Committee arrived, that the only question is on what day the best attendance could be secured; but, on the whole, the fourth day was considered the best for settling the question under consideration; and it was, therefore, recommended that the Resolution be made a Standing Order. I am going to move, therefore, that the course to be pursued shall be resolved on now, and that on the meeting of the new Parliament the Resolution passed in pursuance of the Act 21 & 22 *Vict.*, c. 40, on which is founded the Resolution permitting Members professing the Jewish religion to take the oath, with the omission of the words "on the true faith of a Christian" be not taken into consideration till four o'clock on the fourth day after the meeting of Parliament. I believe the many difficulties in the case will be avoided by this course. Looking at both sides of the question, and endeavouring to avoid the various difficulties of the case, I think the Committee have been enabled to propose the course best calculated to deal with them. The right hon. Gentleman concluded by formally submitting the Motion recommended by the Committee.

Mr. NEWDEGATE said, that having moved an Amendment to the Motion of the hon. Member for Finsbury, upon which the Committee, whose Report the House was considering had been appointed, and in which he had served, and having thus brought under the consideration of the House the propriety of requiring notice of the Resolutions which the Act enjoined as necessary to the admission of Jewish candidates to take the oaths required by law, he felt that, having in the first instance brought the matter under the consideration of the House, he was bound to refer to the omission from the Resolution now proposed by the right hon. Member for Cambridge, of all provision for securing adequate notice of the intention to require the House to pass such Resolutions as the Act sanctioned. The Resolution and the standing order which the House was now asked to adopt provided in part for the difficulty by preventing the House being required to pass a Resolution before the Members were sworn at the commencement of a Parliament. That absurdity would be obviated. But whenever afterwards the House might be required by the appearance of a Jewish Member at the table to pass a Resolution for the alteration of the oath to suit the convenience of this Jewish Member, the inconvenience of the want of notice would again be felt. He spoke with deference of the opinion of the Committee, but he confessed that he was surprised at the decision at which they had arrived. He could not think that the House ought to expose itself to the danger of being surprised into the adoption of a Resolution which conveyed a solemn decision of that House, with the authority of law, by the absence of all notice of the intention to require the House to exercise an option and pronounce a judgment. He was surprised that the very distinguished Committee, of which he was a member, had made no provision against such a contingency. He admitted the right of the Jewish Member to time his appearance at the table, as a matter of privilege; but he did not think that it was consistent with the dignity of the House, when made aware of the necessity for its proceeding in accordance with the Act, which it last year sanctioned, by giving a solemn judgment as to the admissibility of a Jewish Member that the House, should not require twenty-four hours to collect its Members and deliberate as to its decision. The Committee, however, had not provided for this case, and the impression of the Committee seemed to be that if a necessity for deliberation should occur to any Member of the House, he might, by moving the adjournment of the debate, afford the House the opportunity of deliberation. He (Mr. Newdegate) knew that such a course would be attended with considerable inconvenience to the Jewish Member, and perhaps to the House, as the debate thus adjourned would not have precedence of other Orders on the following day, and it was not fair to entail on any individual the odium of causing this inconvenience. But his object was to warn the House that no alternative remained but the adoption of this means of preventing the House from being surprised into the adoption of a Resolution which it might afterwards regret, as the decision of probably a small section of its Members, or of a section representing almost exclusively one cast of opinion, but which would be binding on the whole House during the remainder of the Session in which it was passed.

Mr. EDWIN JAMES said, he thought it most desirable that this matter should be set at rest, without reference to party questions, and, in his opinion, the proposition of the right hon. Gentleman met the difficulty in the most satisfactory manner.

Mr. HADFIELD said, he must object to the delay of four days before a Member was allowed to take his seat, as a thing unprecedented in the Parliamentary history of this country. The effect of it would be to disqualify the Member for that time, and he believed render him liable to a penalty if he voted for the election of the Speaker. At all events, it would have the effect of continuing a distinction between one class of Her Majesty's subjects and another, which ought no longer to exist. Nothing so bad or intolerant had taken place in the worst days of the Test and Corporation Acts.

Mr. CONINGHAM said, he was also of opinion that the proposal of the right hon. Gentleman would continue a distinction which ought to be abolished; but this could only be regarded as a temporary adjustment, and he hoped they would soon see this system of the compulsory administration of oaths put an end to.

Resolved,

"That, on the Meeting of a New Parliament, no Resolution in pursuance of the Act 21 & 22

Vict. c. 49, which shall have the effect of admitting a Member professing the Jewish Religion to be sworn at the Table, be taken into consideration before Twelve of the clock on the fourth day appointed for taking the Oaths required by Law."

Ordered,

"That the said Resolution be a Standing Order of this House."

OFFENCES AGAINST THE PERSON.

LEAVE—FIRST READING.

The ATTORNEY GENERAL said, he rose to move for leave to bring in a Bill to consolidate and amend the Statute Law of England and Ireland relating to offences against the person. This and seven other Bills to amend the Statute Law were the first of a series of Bills amounting, in the whole, to 150, which were in a forward state of preparation, and which, if approved of by Parliament, would complete the consolidation of the entire Statute Law of the United Kingdom. At this period of the Session, and of the Parliament he felt reluctantly withheld from submitting to the House any detailed statement of the intentions of the Government on this important subject. He would merely observe, that after 350 years of inertion—after the efforts of so many of our greatest lawyers and statesmen had failed, the late Government, in pursuance of certain proposals and suggestions of the Statute Law Commission, which was presided over by Lord Cranworth, undertook the commencement of the task. These Bills were arranged with great pains by some of the first lawyers and statesmen of the country, and were introduced into the House of Lords and passed that House in 1856. The late Solicitor General introduced them in this House in 1857, but their progress was interrupted by the dissolution of Parliament. Last Session the House was so occupied with other business that it was found impossible to bring them forward; but early this Session he (the Attorney General) was prepared to lay them on the table. In the interval, however, the Government had come to the conclusion that while consolidating the Statute Law of England, it would be as well to extend the consolidation to that of Ireland. With the able assistance of his right hon. and learned Friend the Attorney General for Ireland, and the late Solicitor General for Ireland, now a learned Judge in that country, those Bills to amend and consolidate the Criminal Statute Law of England and Ireland were prepared. He now begged to lay them on the table, and he hoped that early in the new Parliament they would become law, and result in an entire consolidation of the law.

Mr. WHITESIDE said, that it would be more convenient, in order that those Gentlemen who were interested in the subject should be able to examine them, that the seven Bills which were finished should be printed. They could not, however, well understand the scheme without the Procedure Bill and the Punishment Bill, which were not yet completed. He would, therefore, mention, that instead of specifying the punishment at the end of the clause which constituted the offence, it had been thought advisable to bring in a separate Bill, defining the punishment assignable to each offence. They proposed to do away with capital punishment in ten cases in which it was now legal, reserving it only for treason and murder. In Ireland conspiracy to murder was a capital offence, but it was proposed to change the law in that respect, so that the Bills would not only consolidate, assimilate, and amend the Criminal Statute Law, but would also ameliorate it in favour of Ireland.

Mr. M'MAHON said, he begged to tender his thanks to the Mover and Seconder of the Motion for the steps they had taken towards assimilating the law of Ireland to that of England, and he hoped they would not stop there, but make the assimilation complete.

Leave given.

Bill to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person, *ordered* to be brought in by Mr. Attorney General, Mr. Attorney General for Ireland, and Mr. Secretary Sotheron Estcourt.

Bill *presented* and read 1°.

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, April 15, 1859.

Minutes.] Public Bills.—2ª Pauper Maintenance Act Continuance; Local Government Supplemental; Confirmation and Probate Act (1858) Amendment; Naval Medical Supplemental Fund Society Annuities, &c. Act Continuance; Consolidated Fund (Appropriation); Exchequer Bills (£13,277,400).

3ª Glasgow Public Parks and Galleries of Art; Superannuation; Combination of Workmen.

LOCAL GOVERNMENT SUPPLEMENTAL BILL.

SECOND READING—QUESTION OF FORM.

The Earl of CARNARVON moved the second reading of the Bill.

The Duke of SOMERSET objected to the Bill being read a second time, on the ground that it was not among the Orders of the Day.

Lord REDESDALE explained that the object of the Bill was only to confirm certain provisional Orders.

The Duke of SOMERSET objected to confirming these Orders without knowing what they were.

Earl STANHOPE agreed with the noble Duke, and suggested that the Orders might wait for confirmation until the assembling of the new Parliament.

The Earl of DERBY said, that the Orders were set out in a schedule of the Bill, and therefore if there was any objection to any of them it might be raised in Committee. There could be no reason why the Bill should not be read a second time.

Bill read 2ª (on Motion) *committed* to a Committee of the whole House on *Monday* next; and Standing Orders Nos. 37, and 38, to be considered, in order to their being dispensed with.

RED SEA AND INDIA TELEGRAPH COMPANY (No. 2) BILL.

THIRD READING. BILL WITHDRAWN.

Moved, That the Bill be now read 3ª.

Lord STANLEY of ALDERLEY said, he wished to say a few words with respect to the peculiar character and circumstances of this Bill, which partook more of the character of a public than a private measure, and ought not to be passed without due consideration by their Lordships. Being an unopposed Bill, the Chairman of the Committee to which it was referred was merely bound to see that there was nothing irregular or informal in its provisions, and had no control whatever over the policy of the measure. The Bill referred to an agreement between the Company and the Treasury; but that agreement was not recited in the Bill, as it certainly ought to have been, and their Lordships were quite ignorant of its terms up till yesterday, when certain papers relating to contracts of this description were laid before them. This agreement was a direct violation of the principle on which the noble Earl opposite had admitted that all such contracts ought to be framed. The Treasury engaged to give the Company a guarantee of 4½ per cent on a capital of £800,000, to be expended in establishing telegraphic communication between Suez and Kurrachee; and, moreover, the undertaking was to take effect even although the work should never be completed, or, if completed, should prove a failure. If the wire should be laid down and then lost, the Treasury would be bound to refund to the Company the whole of the money expended, together with the interest from the time of signing the contract. It was not even conditional on the Company, making an earnest endeavour to complete the line. Thus, any merchant who subscribed his money would be entitled to receive his interest for fifty years, irrespective of any advantage imparted to the public. The Government could borrow money at 3½ per cent, and it would be much better if they made the line themselves, than submit to such conditions. He thought the contract was of so monstrous a nature that the House ought to pause before they lent their sanction to a Bill intended to carry it into operation. Other portions of the measure were extremely objectionable. The agreement with the Treasury merely extended to the making of a line of telegraph from Suez to Kurrachee, but the Bill gave the Company the power of also laying down one or more submarine cables between Alexandria and other places in Egypt and India, *viâ* the Red Sea, as well as of completing the communication by connecting it, if desirable, with Great Britain. As this would probably be the main, if not the only, line of telegraph between this country and India, power ought to be reserved to the Government, if it thought fit, at the end of a certain period to take possession of the wires upon a fair valuation, and after paying a reasonable amount of compensation to the Company.

The Earl of DERBY said, that he should be happy to give any explanation upon the subject in his power. With regard to the measure being treated as a private Bill, he thought that was no disadvantage, for private Bills were discussed much more fully in Committee than public Acts. At any rate, if the Government had erred in treating it as a private Bill, they had erred in very good company, for the Atlantic Telegraph, which was a precisely analogous Bill, had been dealt with as a private Bill by the late Government. The establishment of a system of electric communication between this country and India was considered by Her Majesty's Government to be a matter of the highest national importance; and besides, that Company, in dealing with the Government, possessed unquestionably a considerable advantage, from the fact that they had obtained from the Turkish Government the exclusive right of laying down an electric telegraph line between Suez and Kurrachee. But the noble Lord had misrepresented the nature of the contract when he stated that the Government had given an absolute guarantee of 4½ per cent on £800,000, whether the line was constructed or not, and when he supposed that the shareholders had nothing to do but to subscribe a sum of £800,000, in order to obtain from the Government a revenue of 4½ per cent upon that sum. The Government guarantee would extend not to the amount that might be subscribed, but to the amount that should have been actually expended in laying down the line. He had further to observe, that by a clause in the contract the Government would not be bound to pay the guaranteed interest until the contractors had given up the line into the hands of the Company in efficient working order. He admitted, that the terms obtained by the Company were to some extent of an exceptional character, and were far more favourable than the terms which it was usual for Governments to sanction; but Her Majesty's Ministers thought that the peculiar circumstances of the case called for a peculiar treatment, and they had been most anxious to enter into an immediate agreement with the only Company which had the power of laying down an electric telegraph line by the Red Sea route.

The Earl of ELLENBOROUGH said, that no line of electric communication could be more important than that which the promoters of the present Bill proposed to effect. Those gentlemen informed him last year, when he held the office of President of the Board of Control, that they had received a firman from the Turkish Government investing them with certain powers, and binding them to certain conditions in the construction of the work. But some of those conditions were of a character to which it would not, in his opinion, be prudent for the Government of this country to agree. One of these, for instance, required that there should be a station at Jeddah. But he objected to Jeddah, and, indeed, to a number of other places named in the firman as the sites of stations, on the ground that no sufficient security would there be found for the agents of the Company and the works to be committed to their charge. The value of the line would be far less of a commercial than of a political and military character, and he thought that it should be so laid down that its working would not be liable to be interrupted by sudden attacks from pirates and marauders. He also told the representatives of the Company that they could not take a single step without the constant protection and intervention of Her Majesty's Government, and that it was therefore absolutely necessary the Government should have an overruling influence in the direction of the whole of their proceedings. Their object—the commercial object—was one of comparatively little importance; it could not matter much to the public whether or not they obtained a guaranteed interest of 4½ per cent on their outlay—he believed they had at first only asked for 4 per cent; but it was extremely desirable in a political and a military point of view that an electric telegraph line should be laid down between Suez and Kurrachee. Under all the circumstances of the case he thought it better that the present Bill should be rejected altogether, and that Her Majesty's Government should have an opportunity of again considering the whole subject.

Lord WODEHOUSE said, it would appear from the terms of the contract that even if the Company should fail to lay down a line to Aden, Her Majesty's Government should repay them a certain sum for the outlay they might have incurred. It appeared to him, however, that the Government could hardly have meant to give them such an unconditional guarantee, and that that permission must have been inserted in the agreement through some misapprehension of its real meaning. It was no doubt extremely desirable that we should as soon as possible have an electric communication with India; but it should be remembered that even if that Bill were not then passed its further progress need not be postponed for any considerable time, because it could be taken up in the next Session of Parliament at the stage which it had then reached. The dissolution of Parliament would afford an opportunity of reconsidering the measure and reconciling its provisions with the requirements of the Government.

THE EARL OF DONOUGHMORE said, that the Company could not by any means act wholly independently of the Government, for there was a clause in the agreement which provided that the Lords of the Treasury should be empowered to nominate two persons, who would have the right of controlling all the proceedings of the directors. He hoped their Lordships would not then refuse to give their assent to the Bill. He had been informed by the Secretary of the Company that two ships had been sent out by them with 1,800 miles of the cable; that the line would probably be laid down between Suez and Aden by the end of the present month, and that they hoped it would be laid down between Aden and Kurrachee by the end of this year. Under these circumstances he trusted that their Lordships would give effect to the agreement by passing the Bill.

THE DUKE OF SOMERSET wished to know why this Bill could not, like all the other private Bills be suspended until the meeting of the next Parliament. He should be sorry to interfere with the formation of so important a line of communication as that projected by the promoters of this Bill, but considering the objections stated by the noble Earl opposite (the Earl of Ellenborough), who understood this subject thoroughly, he thought that this Bill might very fairly be made to follow the course of the other private Bills which had been suspended.

THE EARL OF ELLENBOROUGH said, he had looked at the clause to which the noble Earl had adverted, and he found that no provision was made with reference to the military and political part of the question. He also found that it was provided, in case of a dispute as to the management of the undertaking between the Commissioners appointed by the Treasury and the Company, that one of the Superior Courts of common law at Westminster might ultimately be appealed to, and thus a court of common law would have the power of deciding upon a purely military and political question on which the Government ought to form its own opinion.

EARL GRANVILLE said, that the House was placed in some difficulty. A contract had been entered into, and if it were not fulfilled, there would, to a certain extent, be a breach of faith. But the objections which had been raised to the Bill on both sides of the House, as well as the observations of the noble Earl himself, the First Lord of the Treasury, showed the desirableness of their Lordships adopting the course suggested by the noble Duke. The effect would be simply to postpone the Bill for some two months, and no hardship would accrue either to the Company or the public by that delay.

LORD STANLEY OF ALDERLEY said, he could not concur in the opinion of the noble Earl opposite that it was a matter of necessity and duty that Parliament should confirm an agreement made by the Treasury. The guarantee given to the Company was merely provisional. He concurred with his noble Friends as to the desirableness of postponing the further consideration of the Bill, many of the provisions of which were objectionable, till the meeting of the next Parliament.

THE EARL OF DERBY said, there could be no doubt that the postponement of a Bill of that importance would be a serious matter, not only as regarded the Company, but also as regarded the public interests involved in the speedy completion of the undertaking. But after the objections which had been urged to the immediate passing of the measure he did not wish to take upon himself the responsibility of pressing the Motion for the third reading to a division, and thereby running the risk of bringing about the complete defeat of a Bill which he was sure none of their Lordships were anxious wholly to reject. He would, therefore, consent that the Motion should be withdrawn for the present, so that on the assembling of the new Parliament the measure could be proceeded with at the stage at which it then stood.

Motion (by leave of the House) *withdrawn.*

Consideration of Standing Order No. 179 sec. 6 *discharged.*

INDIA.—EDUCATION.

ADDRESS FOR RETURNS.

THE DUKE OF ARGYLL rose to call the attention of the House to a Letter from the Earl of Ellenborough, President of the Board of Control, to the Chairman and Deputy Chairman of the East India Company, dated April 28, 1858; and to move that an humble Address be presented to Her Majesty for Copy of the Regulations and Conditions under which Grants in aid of Schools are afforded by the Government of India; also, return of the Number of Schools which have received such Grants, distinguishing those which were under Native Management and those which are conducted by Europeans; and of the Amount of such Grants in each case. The noble Duke said that when some weeks ago he was obliged to postpone his Motion, the noble Earl below intimated that it would be better if he would postpone it altogether, inasmuch as the discussion might probably give rise to some trouble in India. But the noble Earl had quite misapprehended his intention. In addressing their Lordships upon that occasion he had no wish to express, far less to discuss, any extreme opinions with regard to the relations which ought to be maintained between the British Government and the Native religions of India; but at the same time he wished to guard himself against the supposition that he conceived that was a subject which might not be legitimately taken into consideration by their Lordships. He saw upon the paper a Motion from his noble Friend behind him with respect to some disturbances at Travancore, which, if it were brought forward, might give rise to a full discussion of these delicate questions. But he would beg to remind his noble Friend and the House that there was at present a free press in India, and that press discussed questions of that kind with a zeal — he believed he might say with an acrimony—which was almost unknown to the press of this country; and he thought it beyond doubt that any discussion which might take place in that House would have a calming rather than an irritating effect in reference to these delicate subjects. He proposed, however, in the present instance to confine his observations to a single point, which he believed to be one of very considerable importance. Within a very few days of the close of the last session of Parliament the noble Earl (the Earl of Ellenborough) had laid upon the table of the House a letter which he had some time previously addressed to the Court of Directors; and that letter was accompanied by and partly founded upon a paper drawn up by Sir George Clerk, stating his views upon the subject of education in India. If the letter of the noble Earl were to be considered even as his individual and private opinion it would still be interesting to this House, because the individual opinion of the noble Earl upon any subject connected with India could never be a matter of indifference to their Lordships, and its interest was greatly enhanced by what he was bound to say was the great force and vigour of the noble Earl's language, and its effect would be very great among those who were opposed to Christian education in India. It was to be remembered, too, that Sir George Clerk was even now high in office in the Indian Council, and the House were altogether ignorant of the effect the letter might have produced upon the old Court of Directors or the new Indian Council, or whether in any degree the suggestions contained in it had been carried into effect. The nature of the despatch constituted it a document of very serious importance, for, as he understood it, it was nothing less than a tender of advice, to rescind altogether the policy adopted in the well-known Educational Dispatch of 1854. The import of that dispatch he thought he could explain in a few words. It was to adopt in India the policy of grants in aid, as put in practice in this country. That was rather a change in the mode of extending education than a change in the system itself, for in the plan of education he believed there was no change whatever. That system of grants in aid, he need hardly explain to their Lordships, consisted in giving a certain sum for the support of a school in proportion to the sum that was subscribed by private parties. He might mention to the House one or two of the main reasons that induced the Government to adopt this system. In the first place, it was clear that if ever education were to be extended to the masses, the principle of the grants in aid was decidedly the cheapest for doing so. Previous to its adoption the plan of education adopted in India had been to raise schools and colleges, and to pay the schoolmasters at its own cost and expense. He need hardly say that it was absolutely impossible that the system of education could be widely extended among the masses on such a plan as that. Another reason was that it was the least aggressive in form of any that could be devised, for it had at least the appearance of co-operation on the part of the Natives. He perfectly agreed in the principle laid down by the noble Earl in the course of his despatch, that there ought not to be so much as the appearance of force applied to the Natives to induce them to support schools, but we ought rather to appear to be assisting them in accomplishing what they themselves desired than to forcing upon them something which was to benefit us. Now, the principle of grants in aid exactly met and corresponded to that principle, for it applied to those schools only where private subscriptions were raised for their support; while it made those who did subscribe take part, as it were, in the work, and gave them the impression that they were contributing largely to their education. But there was another reason which induced Parliament and the Government to adopt this system, which had at least as much force as any other, and it was that in India, as in England, it was the principle which afforded the best and easiest solution of the difficulties in respect of religion which beset all schemes of education in both countries. The missionaries, on the one hand, and the advocates of secular instruction on the other, were agreed that grants in aid might be given to Christian, Mahomedan, and Hindoo schools, on the ground of the secular education that was given in each, provided only that the grants were given to all schools indifferently. It had come to this, that officers of the highest distinction — men whose names were included in the Vote of Thanks in their Lordships' House last night, Mr. Montgomery and others—agreed that this system of grants in aid afforded the only chance of extending education with safety and without interfering with the religious prejudices of the Natives. The Marquis of Dalhousie also came to that conclusion as far back as the year 1853, when he announced in a despatch that the time had come, in his opinion, for departing from the old traditionary policy of the Company, in this respect, and when grants in aid might be voted to missionary schools. In the same year a Committee was appointed in this House to inquire into the state of India preparatory to the passing of the Bill for the Indian Government, which was afterwards carried out under Lord Aberdeen's Government. He saw many members of that Committee now present, and he fearlessly appealed to them whether there was not a more general concurrence of the witnesses on this point than on any other on which they were examined? He would now come to the objections of the noble Earl opposite. First of all, his Lordship thought that the system had practically failed; next, that it violated the principle of religious neutrality; and thirdly, he objected on the ground of expense. Now, with regard to the objection of failure, he might remark that the despatch of the noble Earl opposite was dated in April, 1858; that the Educational Letter of Sir Charles Wood was dated only in July, 1854; and when their Lordships considered that some time must have elapsed before that Letter was received in India, and preparations made for carrying it into effect, they would see that the system could not have been in operation more than 2½ years, and it was impossible that any sensible effects of the system, either as to its success or failure, could have arisen in that time. As to the objection that this system violated the principle of religious neutrality, he gathered from the despatch of the noble Earl that he did not mean to repeal the principle of grants in aid, except so far as related to the operations of the missionary societies.

The Earl of ELLENBOROUGH: I distinctly said so.

The Duke of ARGYLL admitted that, though he believed that some of the paragraphs in that despatch would admit of a wider application than to missionary schools. But he joined issue with the noble Earl, and contended that to exclude missionary schools from the grants in aid would be equally a violation of religious neutrality. The noble Earl would allow the Government to endow Mahomedan schools, though they might be established for the purpose of the conversion of Hindoos to Mahomedanism, or to endow Hindoo schools, though intended for the purpose of the conversion of Mahomedans to Hindooism. The noble Earl would endow all the different sects of these religions, and the only schools he would exclude were the missionary schools, simply because they were connected with Christianity. He (the Duke of Argyll) said this was a violation of that very principle of neutrality on which the system of grants in aid was founded. It was said that the other schools gave a secular education; but so did the missionary schools offer the best, and in many places the only secular education that the Natives could procure. He heard only yesterday from one of the most distinguished men to whom they yesterday voted their Thanks that immediately before his departure from Lucknow he had visited a large missionary school, where upwards of 400 pupils were receiving instruction, many of them youths of the highest caste, who were examined in various branches of knowledge, and no objection whatever appeared to be made that it was a missionary school; and it was added that, merely as secular schools, the missionary schools were the best, and that the Government schools had no chance with them whatever. That was the opinion of Mr. Montgomery; he believed it was also the opinion of Sir John Lawrence and others, and the testimony of all the principal witnesses examined before their Lordships' Committee was the same. The noble Earl had lately sent him a pamphlet on this subject, written by Mr. Norton. He believed that gentleman was the brother of a Mr. Norton, in the Madras Presidency, who had written several works on India. He stated that the missionary school there was the only one that could be supported by the Government, on account of the secular instruction it gave; and that the writer had been chairman of a Committee of Natives who had freely voted a portion of their funds to a missionary school. The truth was that the education in the missionary schools was, to a very large extent, wholly secular, and the pupils were not compelled to learn the doctrines of Christianity. The other objection of the noble Earl was that the system was leading to a large increase of expenditure. Now, certainly when the system was first established the cost in the first year was £100,000; in the course of two years and a half it had increased to £200,000; and at first, he confessed, he was afraid a sufficient check had not been established, but further information satisfied him that that was not the case. A large portion of the expense related to the establishment of the system, and would remain the same whether the schools were few or many. And then it was not to be forgotten that if education was to be extended over India £200,000 was not an alarming sum. If it were thought too large there were other modes by which they could limit the expenditure without stopping it altogether. At present the Government allowance was one-half; it might be reduced to one-third, or even to one-fifth. They had lately been told, in eloquent language, that now the works of war had ceased the works of peace must begin. He hoped the new system would not be inaugurated by cutting down the means of education. The people of India during the last few years had, he believed, been obedient and loyal in proportion to their education and enlightenment. He could not believe that his noble Friend (the Earl of Ellenborough) could be so adverse to the cause of education, as in words at least he represented himself to be; for he believed that there was no man who could appreciate the beneficial effects of education more than the noble Earl, whether in an Englishman or in a Hindoo. The noble Earl the other night quoted, in the discussion on the Loan Bill, a remarkable letter written by a Native gentleman, and he quoted it with approbation and admiration. The letter was written in admirable language; its composition would have done no discredit even to the noble Earl himself; and the object of the letter being to represent what he thought to be injurious to our dominion in India, and to show, in the opinion of all educated Natives that a fall in our dominion in India would be a great national misfortune. Amid the circumstances of the late rebellion there were no more remarkable indications of fidelity to our cause, and of a desire to assist us, than by the two only great Native States of the Nizam and Nepaul, both of which had the benefit of educated men, knowing a great deal of English literature and the state of society in Europe. During the course of the mutiny he saw a letter from the Prime Minister of the Nizam that would have done credit to an English gentleman; and to the exertions of those States was in a great measure due the pacification of the southern portion of our Indian empire. The noble Earl must have appreciated the advantages that were conferred upon us by the influence of the Minister of Hyderabad; and he believed it had been the case in other directions, and that wherever schools had been established and education had taken firm root, there had been a desire on the part of the Natives to support our power and to impede the success of the mutiny. There existed among some men a fanciful and sentimental admiration of the system that existed in India prior to our administration; and in the memorandum of Sir George Clerk it was contended that arrogance and pretentiousness were ruinous to the consolidation of our power in India. The noble Earl had said that if we left India to-morrow we should leave none of those marks of our sway such as had been left of the empire of the Mogul. When the railway system was completed, the exaggeration would be greater still; but whatever might have been the character of the Mahomedans at that time, the Natives had no upward tendency, and there were no men of great character or of high ability. The Natives of India must have seen that if our dominion failed in India, they would have fallen under the dominion of men in whom ferocity and treachery would be the distinguishing characteristics, and he could not but doubt that the interests of the Natives were bound up with those of England. Upon these grounds, he hoped that whatever measures were adopted with regard to economy in other branches of expenditure, no doubt would be cast on the duty as far as we could to educate the Natives of India, or on the equity and justice of the principle of grants in aid. The noble Earl at the head of the Government had kindly informed him that a despatch had lately been written and sent out by the Secretary of State for India to the Government in India upon this subject, and that it would be desirable to supplement the returns for which he moved by that despatch. He was much obliged to the noble Earl, and he was sure the information would be useful to the House. He could not doubt for a moment that in that despatch there was no hesitation in admitting the justice of the principle, and of the duty which lay on us, so far as we could with due regard to their religious prejudices, to extend education among the Natives.

His Grace concluded by *moving*—

That an humble Address be presented to Her Majesty for,

> "Copy of the Regulations and Conditions under which Grants in aid of Schools are afforded by the Government of India: And also,
>
> "Return of the Number of Schools which have received such Grants, distinguishing those which are under Native Management and those which are conducted by Europeans; and of the Amount of such Grants in each Case."

THE EARL OF ELLENBOROUGH: My Lords, I expressed some time ago my deep sense of the danger of this subject being discussed. I retain that opinion. The noble Duke wishes to raise a discussion on secular education in India. I will not make myself auxiliary to it, for it might be that my remarks would afford some *pabulum* to other speeches. I will not do so, and if I had not determined before I heard the last sentence of the noble Duke to adhere to that Resolution, that sentence would make it absolutely necessary to do so. The noble Duke informs me of what I was not aware before, that a despatch has been recently sent out to India on this subject. I will not, therefore, in the smallest degree interfere in the question. This only will I do—I will place before your Lordships the last authorities with regard to the treatment of the people of India in regard of their religion. But before doing so, since the noble Duke has expressed approbation of the Native gentleman from whose letter I read an extract the other night, I will take the liberty of reading another extract from the same letter. He adverts to the letters of Sir John Lawrence and Colonel Edwardes, to which the noble Duke refers. Those letters should never have been made public in India, nor do I know that they ever were made public by the Government. I understand that privately one, perhaps both, were sent to this country and published. I will now read a further extract from this letter, and then the noble Duke will see how far it goes in support of his views. What this Native gentleman says on that subject is this:—

> "I have lately been reading Sir John Lawrence's letter explaining his views, and those of Colonel Edwardes, about Christianizing India. Their publication establishes the fact, that the complaints of the Natives regarding the attempt of the Government or its officials on their religion were not groundless.

And at the conclusion is this passage:—

> "We fear that men of Colonel Edwardes' opinion, of whom there is no scarcity even in influential quarters, may yet deeply drench the plains of India with human blood."

That is the opinion of the Native gentleman who is spoken of in such high terms by the noble Duke. I will just state the circumstances, which, perhaps, the noble Duke has forgotten, under which this letter of mine, which is the chief document noticed by the noble Duke, first appeared. It was, no doubt, at the end of the Session. It was communicated to me that a Motion had been made in the House of Commons for documents as to the further progress of education under the letter of 1854, and that the terms of the Motion did not include this letter and the memorandum of Sir George Clerk. It was thought desirable that, to complete the whole case, this letter should be made public. I thought so too, and on that ground alone it was published. I then found, to my surprise, that the letter of the 8th of April had never been communicated to the Court of Directors, but had remained in the portfolio of the chairman and deputy-chairman. That letter was the commencement of a correspondence; it was not a declaration of a determination to act in any manner; it was intended to express my opinion —what I might have said in a confidential verbal communication, but which I thought better to state officially in that formal manner. The course of proceeding should have been for the chairman and deputy-chairman to lay it before the Court of Directors for their consideration, and, if they thought fit, to make some proposition upon it. The Court might have authorized some letter, either entirely agreeing, or in some particulars disagreeing with my opinions. The correspondence might have continued for a considerable period of time. I think it absolutely necessary to recall to your Lordships' minds, and not only to your Lordships, but to the people of this country and the people of India, the words of the Queen's Proclamation :—

> "We do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure."

Those are the words of Her Majesty's Proclamation. The last intimation of the opinion of the Court of Directors was made a fortnight before that letter of mine was written. The circumstances were these:—Before I came into office, it was communicated to me that a very objectionable letter had been written by Mr. Chapman, the superintendent of Education in Berar; and in reply to a question which I put to the then Government, I was assured that inquiry should be made. Soon afterwards I came into office; I at once communicated with the East India Company upon the subject, and the result was this letter which I hold in my hand, and from which I will read some extracts, showing how different was the state of things in Berar from that represented by the noble Duke as existing in other parts of India. And it must be remembered that there is no part of India in which we might have expected that there would be a more thorough appreciation of the disinterestedness of our motives and of our general view of government than in the province of Berar, which we have held for a hundred years, and which is occupied to a great extent by English gentlemen carrying on business there. This, however, is what Mr. Chapman says as to the state of things there :—

> "I am now able to confirm, from my own experience, the existence of the strongest prejudices against the educational measures on the part of the people,—prejudices that are only strengthened by any attempt to reason against them. 'How are we to believe,' said one set of villagers to me, 'that Government will not interfere with our religion, when we see the missionaries who are paid by them?' and from this ground I could not drive them?"

Mr. Chapman had the great indiscretion to tell the people that it was 'the order' of the Government that the people should educate their children. The Letter of the Court of Directors continues :—

> "It is our intention that it shall be entirely optional with the Natives whether they will avail the themselves of the facilities of education which we afford to them or not. It is the duty of all public servants to carry out with good faith the declared intentions of the Government under which they act. There is no safety for a State if over-zealous individuals be permitted, in the execution of the duties intrusted to them, to substitute their own policy for that of the Government. A Government must not be supposed to say one thing and mean another."

It then refers to the proceedings of Mr. Reid elsewhere, and afterwards goes on:—

> "In the above passages, and in many other parts of Mr. Chapman's reports, there are statements of the most important character with respect to the apprehensions entertained by the Natives of interference with their religion on the part of the Government in their educational proceedings. The Government will adhere with good faith to its ancient policy of perfect neutrality in matters affecting the religion of the people of India; and we most earnestly caution all those in authority under it not to afford by their conduct the least colour to the suspicion that that policy has undergone, or will undergo, any change. It is perilous for men in authority to do as individuals that which they officially condemn. The real intention of the Government will be inferred from their acts, and they may unwittingly expose it to the greatest of all dangers, that of being regarded with general distrust by the people. We rely upon the honourable feelings which have ever distinguished our service for the furtherance of the views which we express. When the Government of India makes a promise to the people, there must not be afforded to them grounds for a doubt as to its fidelity to its word. You will take such measures as you may think fit for giving the fullest publicity to this Letter."

So far as I am informed, and so far as I know, no measures whatever have at any time been taken for that purpose. I do not believe that that letter has been published by the Government in India. I am unwilling, as I have stated, to say anything generally with respect to this matter, but I must inform the noble Duke that I never at any time objected to grants in aid. What I object to is stated distinctly in the last paragraph but one of my Letter. I entertain the opinion there expressed as strongly as—in fact, more strongly than I did when I wrote it; and its soundness has since been proved by the fact that in no province has more difficulty been experienced in suppressing the mutiny than in this one of Berar. What I said in that letter was :—

> "I feel satisfied that at the present moment no measure could be adopted more calculated to tranquillize the minds of the Natives, and to restore to us their confidence, than that of withholding the aid of Government from schools with which missionaries are connected."

That is my distinct and deliberate opinion.

I will not enter further into the consideration of this matter. I will only say most solemnly that I feel absolutely convinced that unless your Lordships can re-establish in the Native mind the entire confidence that you will hereafter as formerly protect completely and absolutely their free enjoyment of their religion, and will abstain from all attempts to subvert it or to undermine it occultly or openly, all your endeavours to produce tranquillity in India, to improve the condition of the people, and to establish the firm Government which we all wish to see established there will be utterly futile and useless.

The Duke of MARLBOROUGH said, that, so far from regarding this as an unfit subject for discussion in their Lordships' House, he thought that the noble Duke was entitled to the thanks of the country for bringing it forward. He was sure that if, as the noble Earl at the head of the Government had so eloquently expressed it the other night, it was our desire to promote the moral advancement of the people of India, that object could not in any way be more efficiently promoted than by the extension among them of a knowledge of the great truths of the Christian religion; and the irresistible plea of the noble Duke was that if the principle recommended in the letter of the noble Earl was acted upon its effect would be, not to establish a system of neutrality, but to proscribe the religion which we ourselves professed. If we were to hold India as a Christian nation, our institutions, habits, action and legislation must more or less operate, however insensibly, upon the minds and feelings of the Natives. Therefore, the rigid neutrality so stoutly contended for by the noble Earl, though, perhaps, very perfect in theory, was impossible in practice. The Proclamation of the Queen, properly understood, could be carried out in perfect consistency with the principles of Christianity; but if it were understood in any other sense we had repeatedly violated it, for we had introduced laws respecting marriage and inheritance which were perfectly inconsistent with either the Mahomedan or the Hindoo religion. He hoped that discussions like the present in Parliament would rouse the people of England more and more to a sense of their duty, to extend the blessings of Christian civilization to the millions of India. And while our Government ought to act in a wise, temperate, and conciliatory spirit, it was incumbent upon us, if we would gain the favour of Him whom we were about to thank for the success with which He had crowned our arms, to act towards India in a manner consistent with our Christian character.

The Earl of DERBY: My Lords, it is not my intention to prolong this debate. I rise only for the purpose of correcting what has been misunderstood by the noble Earl on the bench below me (the Earl of Ellenborough), and perhaps also by the noble Duke who has brought forward this motion, with reference to a despatch recently sent out to India on the important subject of education. My noble Friend (the Earl of Ellenborough) stated very truly that the Letter to which the noble Duke's Motion alludes was not acted upon in any way by the Chairman and Deputy-Chairman of the East India Company, nor submitted by them to the Court of Directors; and, in point of fact, from that time to this no action has been taken upon that Letter. It remains, therefore, simply as a record of my noble Friend's opinions. In the course of last June the Court of Directors did, however, send out an order at which, under the circumstances of the case, your Lordships will not be surprised, directing that in matters of education, as in everything else, no new expenditure should be incurred, no additional outlay made, without full communication with the Government at home; and that it was necessary that the most careful economy should be observed in every branch and department of the public service in India. Further than that no instructions have been issued on the subject of education; and the noble Duke is mistaken if he supposes that the despatch, of which I have suggested that he should move the production, requires the Government of India to lay down any rules for the guidance of its servants on the somewhat delicate topics which have been discussed to-night. The fact is that when my noble relative at the head of the India Department was appointed to his present office he felt extremely desirous to ascertain, as far as he could from documents in this country, what was the precise state of affairs in India in regard to the question of education, what were the materials in India for forming a conclusion as to the practical effect of the regulations established in 1854, and, among others, more especially what had been shown to be the result, one way or the other, of the system of grants in aid, particularly as applied to missionary schools, in inducing the Natives to believe that there was any desire to interfere with their religious opinions, and whether that system had had any influence in producing the recent revolt. It is hardly necessary to say that the system having been inaugurated only in 1854, and never brought into operation till 1855, could not have made any very great progress or been expected to exhibit any very conclusive results, inasmuch as the greater part of the succeeding years have been occupied by the most dangerous rebellion. But, as far as it can be made out, the effect of those regulations has been, as stated by my noble Friend, exceedingly different in different parts of India. The case of the whole of India is by no means identical; and the system has been found to work extremely well in one district, and to have proved an entire failure in another. Therefore persons basing their observations on perfectly sound premises, as far as particular portions of the country are concerned, arrive at the most opposite conclusions. When the noble Duke first gave notice of his Motion I thought it necessary to look into the subject, and I took down some memoranda, with which, however, I will not trouble your Lordships. But with respect to the slight degree of reliance that can be placed on some of these statistical returns, I may mention that we have papers purporting to give the attendance at the Government schools in the various districts of Bengal, the North-West Provinces, Madras, and Bombay. I find that the schools, which are all Government schools, are divided into colleges, superior schools, and inferior schools. In Bengal the number of scholars, in attendance is 7,000; in the North-West Provinces, 6,000; in Madras, 1,759; and in Bombay, 23,846. Now the result presented by these figures is so extraordinary, that it is clear there must have been some confusion in the mode of arranging them; and I believe a comparison between the different provinces founded merely on these data would be totally fallacious. In various other points of view the information available is equally unsatisfactory. With respect, for example, to the grants in aid properly so called, the proportion which the schools receiving them bear to other schools is exceedingly different in different provinces. The fact in all probability is that in one district the missionary schools have excited great alarm as to the interference of the State with the religion of the Native population, while in another district no such apprehension has existed; and these schools have acted as most valuable institutions, being almost the only schools to which Government aid is given. With regard, then, to the working of the regulations introduced in 1854, the information we possess is of the most imperfect description. For instance, in one province the grants in aid are put down at 8,900 rupees for the missionary schools, and 68,900 rupees for all other schools; while in Madras there are 28,000 rupees for the missionary schools and only 5,600 for all other schools. The despatch, therefore, for which I have recommended the noble Duke to move comprises on all these subjects, and in reference to all these various schools, the whole amount of information to be found in the archives in the Indian Office, and having embodied the whole of those facts, and pointed out in what degree they are unsatisfactory and deficient, the despatch calls upon the Indian Government to supply what is wanting, and to give its opinion both as to the practical operation of the existing system, as far as present experience of it goes, and as to the alterations which ought to be made in it. It also warns them in the meantime against any step that may entail increased expense or involve any innovation upon the established practice, until it has received the sanction of the Government at home. The noble Duke is in error if he thinks we have attempted to lay down any regulation binding upon the Government in India. We rather confined ourselves to requesting the Governor General to furnish us with additional information, and to afford us the benefit of his advice and experience as to the future course to be pursued on this question. Although the despatch was sent out only a few days ago it shall be laid before your Lordships, and taken in conjunction with the Report of the Inspector-General of Public Instruction in the Lower Provinces of Bengal for 1857-58, it will put the House in possession of the present state of education in India in a manner calculated to facilitate the future discussion of a subject on which we are now very imperfectly informed. If, therefore, the noble Duke will move for the two documents the titles of which I have placed in his hands, I believe he will find that practically they contain all the information he requires.

After a few words in explanation from the Earl of ELLENBOROUGH, The Duke of ARGYLL said he would withdraw his Motion, and accept the Papers suggested by the noble Earl at the head of the Government.

Motion (by leave of the House) *withdrawn.*

The Duke of ARGYLL then moved,—

That an humble Address be presented to Her Majesty for,

Copy of Despatch from the Secretary of State for India in Council, to the Governor General in Council, dated April 1859, on the subject of Education in India. And also,

Copy of General Report on Public Instruction in the Lower Provinces of the Bengal Presidency for 1857-58:

Motion *agreed to.*

House adjourned at a quarter-past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, April 15, 1859.

Minutes.] Public Bills.—2° Westminster New Bridge.

WESTMINSTER NEW BRIDGE BILL.

SECOND READING.

Order for Second Reading read.

Lord JOHN MANNERS said, that in moving the Second Reading of this Bill he wished to state that, although there was no chance of passing this Bill during the present Session, he thought it desirable to take as many steps with regard to it in this Parliament as possible. Its main object was to empower the Government to obtain possession of those houses it was necessary to acquire for the construction of the approaches to that half of the new bridge which, as he expected, would be opened in November next. It was necessary to secure them as early as possible, as the expense might be enhanced in price by delay. The total expenses of the bridge were estimated at £316,000, of which £96,000 still required to be voted by Parliament. There was another sum which would arise from the sale of houses already acquired, but the Treasury had thought it wise to defer the sale of those houses for the present, as the value of them would all be much increased by the new bridge, and especially those which lay to the north of Bridge Street.

Sir HENRY WILLOUGHBY asked if the Estimate included the sum required for the approaches? [Lord John Manners: No.] He wished to know, because, by law, counties were obliged to pay for their own bridges out of the county rates, and he thought that the same principle ought to be applied to the present case. He should raise the objection at a future stage of the Bill, but the question that he now wished to be informed on was whether the present works for the construction of the bridge were carried on by contract or by piecework? He had heard that they were being done by the latter mode, and, if that was the case, he wished to know why the usual practice was departed from?

Lord JOHN MANNERS said, that the whole superstructure of the bridge was being done under contract with Messrs. Cochrane, but that the piers and foundations were being done by piecework, by Mr. Page, the engineer.

Viscount DUNCAN said, he wished to know what would be the probable expense of the whole, including the approaches?

Lord JOHN MANNERS said, that if he were to name an estimate for the approaches, it might induce a jury to put a higher value on them than they were really worth. A rough estimate of the expense had been made a few years since, which he would be happy to show the noble Lord, but he thought that it was better, on public grounds, that it should not be made generally known.

Sir DE LACY EVANS said, it was too late to object to the approaches now, as, if they had a bridge, they must have approaches.

Bill read 2°, and *committed* to a Select Committee.

On Question that the House, at rising, adjourn till *Monday,*

MAGISTRACY OF NEWBURY AND HEREFORD.—QUESTION.

Mr. T. DUNCOMBE said, he rose to ask a question respecting the appointment of five new magistrates for the borough of Newbury, and, as he intended to make some observations on the subject, he would move that the House at its rising adjourn till Monday next. The last case of the sort he had the honour of bringing under the consideration of the House was that of Huntingdon, where six magistrates were appointed, all Tories. It appeared, however, that he had been wrong in one particular, he had stated that four of them were clergymen whereas only three of them were so. Another case had been brought forward by the hon. Member for Hereford (Mr. Clive) where six magistrates also were appointed, all Tories; and he now had to bring forward the case of Newbury, where five Tories had been appointed magistrates. The peculiarity of this latter case was that it was worse than the others. The Home Secretary had candidly, frankly, and honestly stated that whenever these appointments were in the hands of an individual the party friends of that individual were, of course, appointed by him, whether he were the Lord Lieutenant of the county, or the Lord Chancellor; and certainly no Lord Chancellor had worked out this principle better than the present. In November the corporation of Newbury received a letter from the Lord Chancellor or his secretary, stating that very serious inconvenience was felt at Newbury from the want of resident magistrates. The municipal body immediately met, and came to a resolution assuring the Lord Chancellor that there was no want of resident magistrates, and they sent the noble and learned Lord a resolution to the effect that they did not think the addition of magistrates necessary. There was a division in the municipal council on that resolution of seven to three. Nevertheless, in a very short time after, the Lord Chancellor intimated that he had appointed five magistrates,—and who were they? In the first place, they were not all resident, though non-residence was the pretext for their being appointed. Two of them were medical gentlemen and non-resident, and the other three were retail shopkeepers, and—strange to say—were the very minority which voted against the majority of the municipal council. These three individuals the Lord Chancellor appointed, and they have the high qualification of being Tories and active partisans. He had no doubt that they would do their duty by their party at the ensuing election. After these appointments were made, a resolution was passed at a meeting of the municipal council, expressing their strong disapproval of the manner in which the recent appointments of magistrates had been made, such appointments being contrary to the wish of the council. No doubt the Lord Chancellor had this power, but if the whole country was to be overrun in this way by magistrates appointed solely on political grounds, what was to become of the impartial administration of justice? He should conclude by asking the Secretary of State for the Home Department the names of the person or persons who, contrary to the wish of the municipal body of Newbury, urged upon the Lord Chancellor the appointment of five additional magistrates for that borough.

COLONEL CLIFFORD said, he had given notice of his intention to ask the Secretary of State for the Home Department whether any subsequent information obtained by him will enable him to qualify his statement as to a public meeting alleged to have been held in Hereford previously to the recent appointment of Magistrates in that city; and if not, whether he will state his authority for the same; and to call the attention of the House thereto? That statement had caused astonishment and dissatisfaction in Hereford, though there was no person in that House who did not believe that the right hon. Gentleman was the last person who would willingly make a statement not consistent with the facts. It would be remembered that not long since his hon. Friend and Colleague (Mr. Clive) presented a petition from the municipal authorities and other inhabitants of the city of Hereford, complaining of the appointment of six magistrates. The petitioners stated that there was no necessity for additional magistrates, that no application had been made for any, that they got no intimation of any intention to make the appointment, and that some of the gentlemen named were objectionable for special reasons, two being retail dealers, and one an uncertificated bankrupt. He was sorry to have to make a statement of a personal nature, but the petitioners made distinct mention of that matter, wishing it to be understood that their objections were made not merely on political grounds. On that occasion the right hon. Gentleman the Secretary of State answered that the appointments had been regularly made; that a public meeting had been held, and a communication made to the Lord Chancellor, which resulted in the appointments. It would be almost impossible for him strictly to prove a negative, but in this case he was prepared to do so as nearly as possible. Before he sat down he would be able, he thought, to show to the House that no such meeting had ever been held. He would first read a letter which he had received from the Mayor of Hereford, dated 12th of April, 1859:—

"Sir, I was greatly surprised to see it stated in *The Times* report of the proceedings in the

> House on Friday, that the nomination was the result of a public meeting held for that special purpose. I do not know how the Home Secretary came to be misinformed. I can say that no such meeting took place."

The Mayor also enclosed a letter from the town clerk, stating that no such public meeting was ever called, and that he was first made acquainted with the intention to make an addition to the magistracy of the borough by the receipt of the following letter from the Lord Chancellor's Secretary:—

> "Sir, I am directed by the Lord Chancellor to request that you will forward to the Crown office, through your London agent, the commission of peace for the borough of Hereford, in order that some new names may be added to it. As soon as they are finally decided on, the list will be sent to the mayor."

The House would thus see that no public meeting had ever been held. But he believed the fact was, that a meeting of two or three solicitors took place. There was also present a gentleman resident in the neighbourhood who considered that he had great claims for services offered rather than rendered; and he proposed a list of names which, as the others could not agree upon a list, was forwarded to the Lord Chancellor. He felt confident that the right hon. Gentleman would be able to state that he had been misinformed, and further than that, that he would be able to add on the part of the Lord Chancellor that he had also been misinformed and deceived. There was a strong opinion in Hereford that the appointments had been made only for political purposes, and that the whole affair was one of the grossest political jobs on record.

Mr. SOTHERON ESTCOURT said, that in reply to the hon. Member for Finsbury (Mr. Duncombe) he had to state that the person who, he would not say urged upon the Lord Chancellor the appointment of five additional magistrates for Newbury, but upon whose application that appointment took place, was no other than the Recorder of the borough. That gentleman wrote to the Lord Chancellor to say that there was such a deficiency of magistrates that very often a bench could not be formed, and he suggested that his Lordship should write to the town council and ask them to send up the names of competent gentlemen. The Lord Chancellor did so; but the town council could not agree upon the names, and so resolved that no additional magistrates were wanted. The Recorder afterwards wrote a second time to the Lord Chancellor, declaring more magistrates to be absolutely necessary, and upon that application five names were added to the commission, two Liberals, and three Conservatives, the Lord Chancellor consulting in the choice of those names the chairman of quarter sessions, and some of the neighbouring magistrates. With reference to the question put to him by his hon. and gallant Friend (Colonel Clifford), he could not of course pretend to know anything of these matters himself, but upon the information furnished to him, he was sorry he could not comply with the request that he would modify the statement which had fallen from him a week ago. A letter signed "Philip Ralph," and dated from High Street, Hightown, Hereford, had been addressed to the secretary of the Lord Chancellor, in which the writer said:—

> "I was present at a meeting of about twenty persons, of whom seven were town-councillors, held at Hereford early in April, 1858, for the purpose of considering who should be recommended to the Lord Chancellor as additional magistrates."

He added, that another meeting was held on the 13th of that month, whereat several town-councillors and others attended, and there were other subsequent conferences on the subject. The question was, whether he (Mr. Sotheron Estcourt) would qualify his expression that a "public meeting" was held. Possibly the word "public" might have been an incorrect term; but he could not say that was his opinion. When a meeting of twenty persons, of whom seven were town-councillors, was held on a subject of interest to the whole community, he could not characterize that as a hole-and-corner meeting. He could only say that, according to the information furnished to him, he adhered to the expression which he had formerly used, but if the hon. and gallant Gentleman, either now or hereafter, could show that he was mistaken, or could prove that the Lord Chancellor had been misinformed, he (Mr. Sotheron Estcourt) should be perfectly ready to make the acknowledgment due not only to the truth of the matter but to the courtesy with which it had been brought forward.

Lord WILLIAM GRAHAM said, he might refer to a local newspaper of Radical or Liberal politics for a proof of the necessity for the appointment of additional magistrates in Hereford. It stated that on the 4th of March, 1858, two summonses for assault were returned, which could not be heard because only one magistrate was in attendance. On Monday, the 27th of the same month, no magistrate at all was in attendance, and the parties having business at the court were dismissed. They retired, making many observations on the value of time, and the necessity of having a stipendiary magistrate. When a Radical paper began to discuss the necessity of having a stipendiary magistrate it was a good proof that some additional magistrates were required, and that it was high time for the interference of the Lord Chancellor. The objection that all the six new magistrates were of the same political party came with a very bad grace from the hon. Members for the borough, who were returned principally through the influence of a corporation which never nominated any but Whigs for the magistracy. It was true they once sent up the names of two Conservatives, but they took care to ascertain first that one would not serve, and that the Lord Chancellor would not appoint the other because he was a distiller.

Mr. CLIVE said, the noble Lord had referred to what took place in March, 1858, to prove the necessity of the new appointments. But they were not made by the Lord Chancellor until ten months after, and at a time when it was evident, from the good attendance on the bench, that there was no necessity for any additional magistrates whatever. He believed it was not true that only two Conservative names had been sent up by the corporation. It was utterly untrue that they had any reason whatever to believe that Lord Chancellor Cranworth would not appoint the gentleman alluded to, who was a wine-merchant in large business, and a man of the highest respectability. On the contrary, their feeling was that the Lord Chancellor had been extremely hypercritical. He took it upon himself, therefore, to give the flattest contradiction consistent with the rules of the House and his respect for the noble Lord to the statements he had just made. The right hon. Gentleman had given no answer to the allegation that one of the gentlemen recently appointed had been a bankrupt. As to the meeting, the right hon. Gentleman might as well say that the meeting held the other day to decide who was to go to Dovor was a public meeting.

Mr. NEWDEGATE said, he had listened to numerous discussions that had been raised on the appointments to the magistracy made by the Lord Chancellor. When the Government sat on the opposite side of the House he did not recollect anything like this amount of interference; but hon. Gentlemen who now sat on the Opposition side were constantly objecting to the magisterial appointments of the Lord Chancellor, and complaining that they were tainted by political designs. He would ask what could tend more to the tainting of justice with political feeling than the course persevered in on the other side of the House? He could only say, as an independent Member, that if such a course were persevered in, it might be found that a similar course would be adopted with respect to hon. Gentlemen opposite. He could conceive nothing more mischievous than the course that was being followed, and nothing more calculated to render necessary the appointment of stipendiary magistrates throughout England, which, along with other disadvantages, certainly would not increase public economy. He knew what the appointments of the Lord Chancellor were in his own part of the country, and believed his conduct had tended to balance political opinions on the bench, and was calculated to produce beneficial results.

Mr. E. P. BOUVERIE said, that when the same proceedings took place on the part of other Lord Chancellors the hon. Gentleman (Mr. Newdegate) would be justly entitled to complain. There could not be a breath of suspicion in reference to the way in which the late Lord Chancellor had exercised his patronage. He must altogether repudiate the theory just laid down by the hon. Member for North Warwickshire as to the justice of effecting a balance in the political views of the magistrates. It should be recollected that in most of the towns political feeling ran strongly in one direction, and the consequence was that if the leading gentlemen of those towns were put in the commission, the larger portion of them must necessarily be of one political opinion. If politics were to be regarded in this matter, which he did not think they ought to be, he could never concur in the doctrine of his hon. Friend, that however small a party might be in a borough, nevertheless that an equal number of gentlemen representing that party should be appointed magistrates, as had been appointed from the party of the great majority. In Scotland they never heard such complaints. In that country the appointments of the magistracy were in the hands of the Lord-

Lieutenants, who were never influenced by any political feeling. He had heard with very great astonishment a statement made some time since by the hon. Member for Canterbury, that he had actually waited on the Lord Chancellor to ask him to appoint some political partisans to the bench in that city. If the present system of appointing magistrates went on, he thought that the House would feel itself called upon to take away the patronage from the Lord Chancellor, or any other Minister, for the purpose of placing it in the hands of some more impartial authority.

MR. DE VERE said, he must express his surprise at hearing it stated by the hon. Member for Hereford that one of the magistrates to whom the commission of the peace was given was an uncertificated bankrupt. If that statement were true, he thought no appointment could be more disgraceful, and that this House was bound to call upon Her Majesty's Ministers to institute an inquiry into the subject, and if it were proved that the appointment had been given under such circumstances, then such appointment should be revoked.

LORD JOHN MANNERS said, his simple answer to this charge was this:—The gentleman alluded to was a bankrupt some thirty-two years ago, in consequence of the failure of his brother. That gentleman had been carrying on business ever since, without the slightest stain having ever attached to his character.

MR. H. BERKELEY said, the facts of the matter as regards Bristol were shortly these:—The Whig Administration had always made their appointments to the magistracy upon fair and equitable principles: whereas the Tory Administration, in making those appointments, were influenced by party feeling, and nothing else.

THE NEW INDIAN TARIFF.

QUESTION.

VISCOUNT DUNCAN said, he perceived it was stated in *The Times* that a telegram had been received in London to the effect that the alterations proposed in the Customs duties in India had been carried out and were in operation in Bombay. As those duties involved no less than a million and a half per annum, he wished to know whether the new tariff would be brought into operation before the home authorities had given their assent to the proposed changes. He would also ask whether the new tariff would apply to goods shipped from this country before the change of duties had become known to the manufacturers of this country?

MR. HADFIELD said, he wished to ask the Secretary of State for India whether it is contemplated to impose any, and, what Duty on Hardware under the new Tariff in India?

MR. WILSON said, he also wished to ask a question with regard to this tariff. On a former occasion he had thought it his duty to call attention to the fact that the tariff then existing in India was, as far as it related to English goods, a protective tariff, since under its imports from England were charged 5 per cent, while imports from foreign countries were charged 10 per cent. He had also stated that that was a principle which had been abandoned years ago with regard to our Colonies, and he could not understand why British manufactures in India should require protection in the Indian market. He had therefore taken the liberty of suggesting that it would only be fair to raise the duty on British manufactures to an equality with those of foreign manufactures. He wished to ask whether the increase referred to in the telegram just received referred only to the duties on British manufactures, so as to raise them to an equality with foreign manufactures, or whether both the duties on British and foreign goods were to be increased in a corresponding manner?

RETIRED FIELD OFFICERS.

QUESTION.

COLONEL KINGSCOTE said, he wished to ask the Secretary of State for India whether it is the intention of Government, now that the Commissioned Ranks of Her Majesty's Indian Artillery and Engineers have been so fully assimilated in other respects to those branches of the Army at home, to complete the uniformity by extending to the Retired Field Officers the privilege enjoyed by those of the Royal Artillery and Engineers, of not allowing them to be superseded (in rank) by their brother officers who remain on the effective strength of their corps?

THE 41ST REGIMENT AT TRINIDAD.

SIR DE LACY EVANS said, he would just express a hope that the Government intended to mark their sense of the transcendent services of Sir J. Lawrence by conferring upon him some higher reward than had yet been offered to him. He rose, however, to ask the Secretary of State for War by whose authority, and for what reasons, the detachment of the 41st Regiment at Trinidad, which had been moved out of barracks into camp on account of the mortality and disease which had occurred in the former, were subsequently ordered back into barracks, where the severe losses to which they had previously been exposed were renewed? When he called attention to this subject on a former occasion, the Secretary of State for War stated that an order had been issued to withdraw the troops, but they had since been sent back to the barracks where all the mortality occurred. The correspondence on the subject had been delivered that morning, and it appeared that five months had been occupied in correspondence. The detachment had been exposed to danger, he supposed on the ground of economy; but he could not help thinking that no worse mode of effecting a saving of expenditure could be adopted. Authority ought, in his opinion, to be invested in some person to incur the expense of building new barracks where those already in existence were so situated as to be prejudicial to the health of the troops. When Lord Metcalfe had had to deal with a similar state of things as that to which his question related in Jamaica, he had ordered new barracks to be built, and when reprimanded for having done so, replied that the money expended might be taken out of his private means if they were insisted upon, but that he had deemed it to be his duty to act as he had done. He trusted the right hon. Gentleman at the head of the War Department would do everything which was necessary to promote the health of the troops.

DISTURBANCES IN TRAVANCORE.

QUESTION.

Mr. KINNAIRD said, before he referred to the subject respecting which he had given notice of his intention to put a question to the Government on the subject—the disturbances in Travancore—he was anxious to allude to what had fallen in the debate of the previous evening from the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith). His right hon. Friend observed that Viscount Canning had put aside the advice tendered him by both extremes, that he had put aside the advice tendered him by Sir John Lawrence, as well as that tendered him by Sir Archdale Wilson, to treat with the King of Delhi. His right hon. Friend, he thought, in making that statement, had overlooked two important facts—namely, that Sir John Lawrence had never given Viscount Canning any advice on the subject, and that not Sir Archdale Wilson but General Reid had been in command at the period to which he alluded. A similar statement had been made by a noble Lord in "another place" on a former occasion; a communication from Sir John Lawrence to that noble Lord had followed, and he should appeal to the noble Lord the Secretary for India to say whether facts had not come within his cognizance which clearly demonstrated the justice of the position which he (Mr. Kinnaird) had now taken up. He had that very morning received a communication from Sir John Lawrence with respect to the point at issue, which the House, in justice to an absent man, would perhaps allow him to read. The facts of the case, as stated by Sir John Lawrence, were as follows:—

> "The King of Delhi made overtures which had been referred by General Reid to Sir John Lawrence, who suggested in reply that they should be accepted on conditions which the King could not comply with, and the matter dropped. The reason why those overtures had been entertained at that early time for a moment was, that had the King been in a position by his innocence of blood-guiltiness to accede to those conditions the best possible results might have been produced, the neck of the mutiny would have been broken, the lives of thousands of our countrymen who died in the struggle which ensued would have been saved, a most distinguished general (General Nicholson) would have been spared to his country, and millions of money would have been economized. What Lord Canning had really done months after these negotiations had ended, was to write to the Lieutenant Governor of Agra to say that no negotiations should be entered into with the King of Delhi without his sanction. That communication, however, had had no effect whatever on the siege of Delhi, as, in the meanwhile Sir John Lawrence had sent down troops and munitions of war which had enabled Sir A. Wilson to storm the fortress successfully. Lord Canning's message, in fact, could only have reached Sir A. Wilson a few hours before the storming of Delhi took place, and the scene of operations was so distant from Calcutta that whether he wished or not he could have had no influence on the siege."

He (Mr. Kinnaird) thought it his duty to state these facts, in order that his right hon. Friend might have an opportunity of explaining and correcting the observations which had fallen from him the evening before. Having done so, he should proceed to advert to the subject which he had given notice it was his intention to bring under the consideration of the noble Lord the Secretary of India—the disturbances which prevailed at Travancore. Before he entered into the details of that question, however, he begged to say a few words with respect to the difficulty of obtaining public documents officially from India. When he asked the noble Lord opposite a question, or moved for papers connected with that country, he was met by the unsatisfactory reply that no official account had been received at the India House. He thought that one of the good results which were to follow from the change of Government was that, by greater publicity, the action of that House was to be brought more speedily and directly to bear on the Government. But, if the official documents on which hon. Members might form a judgment could not be obtained, a very serious disadvantage would be incurred. He had, for example, long had in his possession a most important report on education lately issued in Calcutta, but when he had moved for that report, that it might be laid on the table of the House, he had been told that it had not been received. Now, that was precisely what happened under the old *régime* when Mr. Halliday's Report on the Bengal police had been moved for. Again, when the Indian papers were full of the reports of the aggressions made by one class of Hindoos at Travancore on another class, in consequence of caste prejudices, and in defiance of the Queen's Proclamation, which assured to all equality in the eyes of the law and complete liberty of opinion and action, and when he had asked for an official account of those transactions he had got the same answer, that no account had been received. He understood that the late disturbances near Nagercoil, in South Travancore, had arisen between the Soodrees and other high castes on the one hand, and the Shanars and other low castes on the other, and not between the heathens and Christians as such. The result was, that eleven chapels and schoolrooms had been burnt down, and that the bungalows inhabited by European missionaries had been threatened, and obliged to be watched day and night by Native Christians. The Shanars had also been themselves beaten unmercifully, their houses plundered and burnt, and some had fled for fear even their lives would be endangered. The subject of contest between the castes was the upper cloth which many of the Shanars, contrary to old customs, had begun to wear, and which the Soodras would not permit. The practical point was, therefore, whether the Government would permit one caste thus to tyrannize over another, or whether all should have liberty to dress, build their houses, and so forth, as they pleased. He rejoiced to learn that in the late disturbances in Tinnevelly right had prevailed, and that all the Queen's subjects were to have an equal right to use the Queen's highway, and he claimed a similar right for all with respect to their dress. But the papers stated that General Cullen, the Resident at Travancore, was of a different opinion, and he (Mr. Kinnaird) hoped the noble Lord would seriously inquire into his conduct in this matter; for it was said that the Shanars, when they carried their complaints to the Dewan, were unceremoniously dismissed by him because they wore the upper cloth, and that the Soodras boasted aloud that they had full liberty granted them by the Rajah and Dewan to maltreat the low caste people, and that that liberty was confirmed by the proclamation. They said also, that the Queen's will was, that no Hindoos should become Christians; consequently, that missionaries were acting contrary to the Queen's proclamation in staying in India, and that therefore it was their duty to drive them away at once. He hoped he should have an assurance from the noble Lord that such an interpretation of the proclamation, infringing the commonest rights of men, was not for a moment to be tolerated, and that, if those facts were as stated, some steps would be taken to induce General Cullen to fulfil his duty in Travancore in respecting the rights of all classes, and causing them to be respected; and he again begged to ask the Secretary of State for India whether the Papers on the recent disturbances at Travancore have been received, and whether he will lay them on the table?

Mr. VERNON SMITH said, he trusted the House would at once permit him to answer the call made upon him. He must complain that the hon. Member (Mr. Kinnaird) had not given him notice of his intention to allude to the statement he (Mr. Vernon Smith) had made on the previous evening with respect to Sir John Lawrence. In that statement he did not for a moment mean to cast the slightest reproach upon Sir John Lawrence. All he did was to state that he believed the moderate firmness of his noble Friend the Governor General of India was such that he ventured on one occasion to repudiate the advice of even such a man as Sir John Lawrence. It was in no detriment to Sir John Lawrence, but the contrary, that he had made that remark on the previous evening, and the House would remember that in the very same speech he said he admired the character of Sir John Lawrence in common with all the world. The statement to which the hon. Member had taken exception was made by him (Mr. Vernon Smith) from his recollection of an impression he had received on reading a passage in a Blue-book presented to the House; but now that the hon. Member had assured the House that Sir John Lawrence had said there was no foundation for the statement, nobody could, of course, for one moment hesitate to accept that assurance.

Mr. KINNAIRD said, that since he had entered the House he had offered privately to the right hon. Gentleman to put the matter off till Monday, if that would be more convenient to him, but the right hon. Gentleman had told him that he thought he should not be in the House on that day. That being so, he thought he had not been wanting in courtesy to the right hon. Gentleman.

Mr. LIDDELL said, that he had had a notice on the paper to ask a question, and he must complain of the turn which the order of business had taken, by which a great number of topics were being discussed on the Motion for adjournment, which stood on the paper for consideration after the questions had been put.

Mr. SPEAKER said, when the Motion for adjournment was disposed of, it would be competent for hon. Members to put the questions which stood on the paper in their names.

General CODRINGTON said, he was glad the hon. and gallant Member for Westminster (Sir De Lacy Evans) had brought under the notice of the House the mortality and disease in a detachment of the 41st Regiment at Trinidad, because the correspondence on the subject showed that an interval of a year and nine months had elapsed between the discovery that that disease and mortality were referable to the bad order of a drain and the application of a remedy. He should be glad to hear that a certain responsibility—one extending to the outlay of a certain sum of money—would be vested in officers so as to remedy defective drainage, in such cases as that referred to by the hon. and gallant Member. He would take that opportunity to refer to the omission, both in that House and "elsewhere," in the Vote of Thanks of the previous evening of all mention of the services of the Royal Artillery in India. Before Lucknow the Royal Artillery had fifty-six field guns and forty-six siege guns, and two brigadier officers belonging to the corps (Colonel Wood and Colonel Barker), had greatly distinguished themselves. The corps was one of the most distinguished in the service; and probably the noble Lord the Secretary of State for India would take some notice of the omission to which he had referred.

Admiral WALCOTT: The eloquent and graceful speeches of the noble Lord last evening, the Secretary of State for India, and the noble Viscount the Member for Tiverton, in which they bore testimony to the enduring and victorious services of the army in India have afforded me the liveliest gratification. My motive for silence on the occasion of that Vote of Thanks was this,—I was apprehensive that any language which I might employ would appear to attach any undue importance to the services of that profession to which I have the honour to belong, in the suppression of the mutiny, since the number were small in proportion to those of the army. It has been to me, therefore, a deep pleasure to observe an inadvertent omission at that time, now repaired, the tribute and award of the thanks of the House in the general to the naval officers, seamen, and marines, and the particular introduction of the name of Captain Sotheby, the worthy successor of the heroic William Peel, as the highest honour this House can confer, and from its impartiality touching every heart in the naval brigade.

THE DUTY ON THE PATENTS OF SECRETARIES OF STATE.—QUESTION.

Mr. W. WILLIAMS said, he rose according to notice to ask Mr. Chancellor of the Exchequer whether, according to his promise, he has obtained the opinion of Mr. Attorney General respecting the legality of the Earl of Malmesbury refusing to pay the £200 Stamp Duty required by the Act 55 *Geo.* III., c. 184, to be paid on the patent of appointment to the office of Secretary of State? When he asked a question on this subject a few days ago the Chancellor of the Exchequer said that the Earl of Malmesbury's reasons for not paying was that he held his office by the delivery to him of the seals. Such was not the case, the Secretaries of State from the most distant times were constituted by letters patent under the great seal, and the duty was imposed on all officers of the Crown receiving £3,000 a year. Every member of the present Government had paid it except the Earl of Malmesbury, and all his predecessors in office had done so except one gentleman, who had been temporarily appointed to the office for a short time. It was a bad example for a nobleman to set, in thus violating the law. He hoped that the right hon. Gentleman, who had no doubt paid the stamp duty himself, would be able to give the House some explanation of the subject.

LORD STANLEY said, he rose to answer the somewhat miscellaneous series of questions which had been put to him by various hon. Members during the course of the discussion. And first with regard to the delay of which the hon. Member for Perth (Mr. Kinnaird) complained in the transmission and distribution of official papers from India: there were two reasons for that delay. In the first place it was in the nature of things that an official and authorized account of a transaction should generally arrive rather later than a private and unauthenticated account, because a private correspondent of any person in this country, or a correspondent of a public journal, generally took their facts from current rumour, not writing under the same sense of responsibility for absolute and entire accuracy; but as this sense did operate on the minds of those who were responsible for the transmission of official documents, more consideration was given to them. This was one cause of delay in the forwarding of those documents. Again, except in cases of great importance, it was not customary to transmit an official narrative of events from India until the local authorities had considered and given an opinion on them. This was another cause of that delay to which the hon. Member referred. With regard to the hon. Gentleman's statement as to what had taken place at Travancore, he (Lord Stanley) had heard various versions of those transactions not exactly tallying in details. When the hon. Gentleman, however, asked him to give a hypothetical pledge as to what he would do in the event of certain circumstances turning out to have occurred in this way or in that, he (Lord Stanley) must, with all courtesy to the hon. Gentleman and all respect to the House, say that he did not feel called upon to give any such pledge. When he received authentic information with respect to the facts, he would be prepared to acquaint the hon. Gentleman and the House with the intention of Her Majesty's Government in respect to the particular case with which they were called upon to deal. In reply to a question of the hon. and gallant Member for Westminster (Sir De Lacy Evans), he must say that he was not authorized to make any statement as to whether it was the intention of the Government to confer any further honours on persons who had distinguished themselves in India. As to the question of the hon. and gallant Gentleman opposite (Colonel Kingscote) on the subject of retired field officers, he had to state it was not the intention of the Government to extend to retired field officers the privilege enjoyed by those of the Royal Artillery and Engineers, of not allowing them to be superseded in rank by their brother officers who remained on the effective strength of their corps. It was not the intention of the Government to take the course indicated in that question. The House could hardly expect that he would, within the limits to which it was ordinarily expected that replies on such matters were confined, enter into the reasons for this determination on the part of the Government. Those reasons were rather technical, but he could assure the House that the Government had given the matter attentive consideration, and had not arrived at a decision on it without great deliberation. The next question referred to the subject of the financial operations of the Indian Government. The hon. and learned Member for Sheffield (Mr. Hadfield) asked what duty the Government in India had placed upon hardware. The only copy which he (Lord Stanley) possessed of the Indian tariff was a draft which had been laid before the Legislative Council of Calcutta, but which had not passed through that Council, and was therefore still liable to alteration. But in that draft, which no doubt represented, in the main, the decision which the Indian Government would come to, the duty on hardware had been increased from 5 to 10 per cent. The noble Lord (Viscount Duncan), had asked whether the Indian Government had acted on their own responsibility in respect to that tariff. He (Lord Stanley) understood it was held that since the Act of 1853 the Legislative Council had been empowered to make alterations in the tariff without reference to this country. That rule of law was, he apprehended, that the Governor General of India in Council had power to amend all laws and regulations except such as affected the prerogative of the Crown; and the Customs duties had been altered before now on the order of the Governor General in Council. The Home Government were sending out to India—they had, indeed, sent out—instructions to deal with those duties, and the alterations directed by the Home Government concurred almost exactly with those introduced by the Indian Government on their own responsibility. It seemed that those financial difficulties came rather suddenly on the Indian Government. Viscount Canning had in fact communicated to him that it would be impossible for him to meet the pressure upon him unless on his own authority he took the step of levying this impost. He had, therefore, taken upon himself to follow that course, relying upon the Government to give him their support. That support he need hardly say the Government were prepared to extend to Viscount Canning, and the more readily because he found, on comparing the scale proposed here with the draft received from India, that the latter did not differ with it, but was, in fact, in almost absolute accordance with the opinion of the Government at home. The hon. Member for Devonport (Mr. Wilson) had asked him whether the increased duty was intended to be an increase on British goods imported into India, so as to make the duty on those equal to that on imports from foreign countries. In reply he had to say that that was so.

THE LATE TRIALS AT BELFAST.

QUESTION.

MR. M'MAHON said, he wished to ask the Attorney General for Ireland whether he can give any explanation relative to the setting aside of Jurors on the late Trials for Ribbonism at Belfast, and state the names of the Jurors set aside, and the cause for which each Juror was set aside?

MR. WHITESIDE said, he had no objection to answer the question of the hon. and learned Gentleman, although he must do so under a protest, as he did not think the House of Commons was the place to inquire into the composition of a legal tribunal. When a similar question was brought before the House by the late John Sadleir, in 1850, Sir John Jervis, who was then Attorney General, protested against such a question being entertained unless there was a charge of corruption or of oppression against a public officer. He had, he said, assisted at the trial of many political offenders, and had often given instructions to strike the names of gentlemen off the list of jurors. The hon. and learned Gentleman opposite, upon a former occasion, read a letter which he had received from the attorney for the prisoners—not a very disinterested witness—and in which the following expressions occurred:—"I never witnessed a more flagrant attempt to pack a jury;" "really it was quite frightful." Such was the substance of the charge preferred by the hon. and learned Gentleman. In answer to it he would read to the House a plain statement which had been prepared by the Crown solicitor for the Northern Circuit; but, before doing so, he might state, that about twenty-five years ago, when Sir Michael O'Loughlin was Attorney General, instructions were issued that persons who were commonly called publicans, sellers of beer and spirits, should, in certain cases, not sit upon juries. He would preface the observations he had to make by asking the House to bear that in mind. He might also state that a person from America was arrested in Westmeath, with the signs and passes of the Riband Society in his possession; that he was tried and convicted by a jury on which there were four Roman Catholics; and that a Roman Catholic Judge, the Chief Justice of the Common Pleas, sentenced him to seven years' penal servitude. Upon the very same evidence fifteen persons were charged with a similar offence at Belfast, but with a different result. The Crown Solicitor for the Northern Circuit said:—

> "Sir M. Barrington gave me your message just now, and I report forthwith as to the jurors set aside by me, and for what cause, on the recent Riband trials at Belfast assizes. Upon the first trial I set aside eight jurors; upon the second trial nine, one of these nine having been on the first jury. I give the names of the jurors and a memorandum of objection. First trial:—Patrick Tower, D. R. Brannigan, Edward M'Hugh, and William Kane, dealers in spirits; William Ross, Thomas Byrne, and John Cramsie, violent party men; William M'Caldin, who was stated to me to be an atheist and party man. All the above I believe are Roman Catholics, except M'Caldin. Second trial:—Terence O'Brien, Patrick Tower, Edward M'Hugh, William Kane, Daniel Murphy, and John Coolan, dealers in spirits; Charles Hamill and P. M'Caldin, violent party men; Thomas Kennedy, of the first jury. All the above I believe are Roman Catholics, except

> M'Caldin and Kennedy. I beg to state that on neither trial did I set aside any juror on the ground that he was a Roman Catholic, but because of the objections set out in these lists. In all religious party cases it has long been the rule that all persons keeping public-houses or engaged in business in which political prejudices influenced should be set aside as being unfit to give 'a verdict according to the evidence;' and in setting such aside I follow out the instructions given me by successive law officers since I became Crown Solicitor, now nearly thirty years. On the recent trials of the first jury there was sworn one person only of the Roman Catholic religion (Mr. Neeson), and he, I am informed, was the only dissentient juror to a conviction. In like manner, on the second trial, the dissentient juror was Mr. Ross, a Roman Catholic. I need not state to you, who were present at the trials, that Henry Smyth and the other members of the Riband lodge captured by the police in the act of sitting in illegal meeting should have been convicted."

The reason why the spirit dealers were set aside was because the meetings of these conspirators generally took place in public-houses. He therefore submitted to the House whether it was right to say that this was a case of oppression. He would now advert to a statement made by the right hon. Member for Kerry (Mr. H. Herbert) and the noble Lord his colleague in the representation (Viscount Castlerosse), in reference to a trial at Tralee. They expressed regret at the course taken by the law officers, and he should be very much grieved if anything occurred which could justly excite their displeasure. He would, however state what occurred. A revolutionary society was formed, called the Phœnix Society, the Members of which were bound together by a revolutionary oath to dethrone the Queen, and be ready to act when the French landed in Bantry Bay. The Crown, however, instead of prosecuting the Members for high treason, in mercy to the young men of the country, indicted them under the Treasons Felony Act. The Bills were found by the grand jury, of which the right hon. Gentleman was foreman, and on which there were six Roman Catholic gentlemen. The *petit* jury consisted of eight Protestants and four Roman Catholics, and when it was empannelled he (Mr. Whiteside) received a friendly tap on the shoulder from a person behind him, who told him that he would not get a verdict. He examined fifty witnesses for the Crown, and exhibited a host of treasonable documents which left no doubt of the guilt of the prisoner, who, up to the day of his arrest, had been receiving a portion of the grant annually voted by the House for national education in Ireland, which he was carrying out by teaching his pupils high treason. The jury, however, disagreed. As strong censure had been cast on Sir M. Barrington, the Crown Solicitor in the Kerry case, he might state, that some years ago that gentleman was a candidate for a public employment, and he would read what had been said of him in a letter written on that occasion by the late Mr. Daniel O'Connell:—

> "He is the only placeman I ever knew who did his duty to his employers without acrimony, party spirit, or virulence. He is a most excellent public officer. I never knew a better."

Mr. O'Connell, in a public speech again in 1845, alluding to the office of Crown Solicitor for the Home Circuit, which was then vacant, repeated the declaration he made in 1832, giving the following reasons for his conviction:—

> "For twenty-five or twenty-six years I defended every prisoner on the Munster Circuit; the prosecutions were conducted by Mr. Mathew Barrington, and I never knew a man who conducted prosecutions more fairly in the exercise and full performance of his duty to the Crown, but also without the least attempt to take any undue or improper advantage of the prisoner on his trial. He displayed great intelligence and great impartiality in the perfect performance of his duty, with the greatest anxiety that the subject should not be oppressed, or a conviction improperly had. Of course, Mr. Barrington cannot be a candidate for the office of Crown Solicitor, now vacant, for he has another province, and therefore I cannot be guilty of any impropriety in mentioning his name, but I point him out as a model, as the sort of person that should be appointed to prosecute on the part of the Crown."

He (Mr. Whiteside) had a sincere respect for Sir M. Barrington, and he could state that he deeply felt what had been said of his conduct. He would now read his report on the transaction at Tralee:—

> "On the first trial the prisoner challenged sixteen persons, all Protestants, and the Crown set by four, two of whom were Protestants, and two Roman Catholics. The jury was composed of eight Protestants and four Roman Catholics. The jury disagreed after being locked up an entire night, and it was understood that two of them, both Roman Catholics, would not agree to a verdict. It was stated by one of the jury, in a letter published in the newspapers, that two of the jury would not listen to reason or argument. Great censure was given to the public officers for leaving these men on the jury, and yet if they had been put by, it would have been said it was done because they were Roman Catholics. Upon the second trial the Crown consented not to call the former jury, by which the prisoner had the advantage of not having to challenge the ten jurors who agreed to a verdict of guilty, and he then

challenged twenty persons, all Protestants; and sixteen persons, of whom six were Protestants, and ten Roman Catholics, were put by, by the Crown, not finally, but until the panel was gone through, when the juror should be sworn, unless a cause of challenge could be shown. Of the guilt of the prisoner no one could entertain a doubt, and Baron Greene, in passing sentence, said, 'It is impossible for any one who has heard the evidence adduced upon this trial to doubt the propriety of the verdict which has been given. I abstained cautiously in my observations to the jury from intimating what my own opinion was with respect to the truth of the charge against you. I merely read the evidence to them, and laid down the law; but I am bound to express my concurrence in that verdict, and I cannot think that in that opinion any fair, honest, and reasonable man can avoid concurring.' No person was set aside on account of his being a Roman Catholic; the most diligent inquiry was made, and information confidentially given both by Roman Catholic and Protestant gentlemen respecting the names on the panel; one of the gentlemen put by was for a cause, the disclosure of which does not lead to a breach of confidence—namely, that he was tried in the county of Kerry in 1832 for a conspiracy against the payment of tithes, was convicted, and sentenced to fine and imprisonment. Had this gentleman been left on the jury, and had another disagreement taken place, it would naturally have been said that no other result could have been expected when a gentleman who had himself been convicted, fined, and imprisoned in the same county was left on the jury. It was but fair to him to leave him off on such a trial. There were a number of Roman Catholic gentlemen on the panel that it would have been desirable to have on the jury, but some did not answer when called, and others were low on the panel."

It was true that the gentleman in question was struck off the list, and properly struck off, and had he been present on the occasion he should have desired him to stand by. Politics and religion were never inquired into by the Lord Chancellor, if he had the recommendation of the Lord Lieutenant of the county in favour of a particular magistrate; but, if the Lord Chancellor had been apprised of the event in question he would probably have directed further inquiry to be made, and would have asked if he could not be furnished with the name of some gentleman equally respectable who had not had the misfortune to be concerned in a similar transaction. He thought that the Crown Solicitor acted fairly in setting this gentleman aside. He would remind the right hon. Gentleman that the only one other instance in which the Treasons Felony Act had been applied, was in the case of Mr. Mitchel, which occurred when the Earl of Clarendon was Lord Lieutenant. That was the first time the Act had been enforced, and he turned to see the instructions given by the Attorney General of that day, the present Chief Justice Monhanan, himself a Roman Catholic. The Crown Solicitor, before the trial of Mr. Mitchel and his confederates, asked what he was to do with regard to setting aside jurors. M. Monahan did not fail in his fidelity to the Crown; but he took care that a conspiracy against the Throne should not be maintained by a conspiracy against the law. Mr. Monahan replied that it was never his wish that jurors should be set aside for their religious opinions; "But," he said—

> "With respect to the propriety of setting aside jurors on account of their political opinions, I do not think that the instructions given on the subject by previous law officers were ever intended to apply to a case like the present, in which a party is to be tried for a political offence, and is openly supported and countenanced by certain political associations."

And he concluded as follows:—

> "All that I wish for is a fair, impartial, and unbiassed jury; and, in my opinion, to allow any not coming within this description to be sworn would be to defeat the administration of the law, and be totally inconsistent with the true principle of trial by jury, which is that the juror should stand indifferent between the Crown and the prisoner."

He was present at that trial, and he would now show how the instructions of a Roman Catholic Attorney General were carried out:—On the trial of Mitchel, in Dublin, in 1848, the names of the jury and those put by the Crown appear in the *Freeman's Journal* of the 26th of May, 1848, which states that 71 jurors appeared; of these 55 were Protestants and 16 Roman Catholics; that the Crown set by 39, of which 16 were Roman Catholics, and that every Roman Catholic that appeared was set by, and the jury was composed exclusively of Protestants. These men were not set aside because they were Roman Catholics, but because the case was one of political confederacy. Sir M. Barrington set aside no man on account of his religious opinions, and he was much more sparing in using the prerogative of the Crown than had been the case on former occasions. In the case of the trial of two Roman Catholic clergymen, during the period when the right hon. Gentleman (Mr. H. Herbert) was Chief Secretary, a whole county (Mayo) was set aside, for they were brought to the county of Dublin and tried by a jury of that county, and one of the grounds of an appeal not further to prosecute the case against them was, that the expenses incurred by them in their trial at

Dublin exceeded the fine that would have been imposed if they had been tried and found guilty at Mayo. Returning to the question before the House, he would ask the right hôn. Gentleman whether, in his opinion, the prisoner had not been fairly tried? If he had, justice had been done, and it was not a wise thing to render the administration of the law more difficult in Ireland by a gentleman in the station and position of the right hon. Gentleman expressing disapprobation of the course taken by an officer of the Crown in assisting the administration of justice and vindicating the law.

Mr. H. A. HERBERT said, that in answer to the appeal of the right hon. and learned Gentleman, he had no hesitation in repeating what he had already stated, that he had no doubt of the prisoner's guilt. Having read the charge of the Judge, whose reputation stood very high in Ireland, he could not for one single moment doubt the justice of the verdict. And more, he did not say that because a jury was a Protestant jury it necessarily followed that they would give an unfair verdict. On the contrary, he believed they would give a just and righteous verdict. Still he regretted the course which was pursued by the law officers of the Crown. He wished to make no attack on Sir Matthew Barrington; but the right hon. and learned Gentleman on the other side (Mr. Whiteside) had given no reason why the eight other gentlemen, other than Mr. O'Connor, were ordered to stand by at the trial. The right hon. and learned Gentleman had stated that it had been the practice to tell jurymen who might be supposed to have a bias in favour of a prisoner to stand by, but he did not deny or explain the fact that on that occasion every Roman Catholic was told to stand by; and that therefore the jury was composed of gentlemen exclusively Protestant. If ever there was an occasion on which not only was it just, but it would have been politic and prudent, to avoid even the appearance of introducing anything like proceedings of a sectarian character in a trial, it was that of which they were now speaking. What was the case? The right hon. and learned Gentleman had told them that there was a political conspiracy in Ireland. No doubt such was proved to have been the case. There was such a conspiracy, of the object and proceedings of which he hoped it was not necessary for him to say that he entertained the utmost abhorrence. But what were the circumstances? The conspiracy came in from another country—he believed it came first from America; but it was repudiated by the people of Ireland, by the peasantry of Ireland. Almost the first information given to the Government with reference to this foolish conspiracy was from a Roman Catholic clergyman. As soon as it was known that it had crept into the country the conspiracy and the conspirators were denounced by the Roman Catholic clergy in every part of the country where it was supposed that the emissaries of the conspiracy had made their appearance. In fact, the conspiracy, before any measures had been taken by the Government, had been "nipped in the bud." This he asserted on his own personal knowledge. But if he wanted corroboration he would call as a witness the right hon. and learned Gentleman opposite, the Attorney General for Ireland, and ask him to repeat the compliment which he paid to the Roman Catholic clergy at Tralee. And what was the return? That the Roman Catholics were denounced as unfit to sit on a jury. [Mr. Whiteside said he must deny the accusation]. The right hon. and learned Gentleman was probably too prudent to say so in the interesting position of the present Parliament, but this principle was acted upon as a matter of fact, and the law officers of the Crown, by their proceedings, avowed their belief that Roman Catholics were not proper persons to serve as jurors on a trial of that kind. He (Mr. H. A. Herbert) maintained that the general holding off of the people from this conspiracy, the prompt action of the Roman Catholic clergy, the fact that Roman Catholic gentlemen on the grand jury concurred in finding a bill—all went to show that there were the strongest reasons against the course which had been adopted. Some stress had been laid on the prisoner having set aside some Protestants; but that was a very different matter, for it was the duty of the counsel for the prisoner, by every possible means which the law allowed, to procure a verdict for the prisoner; but he ventured to submit that there was no such duty on those who represented the Crown. The right hon. and learned Gentleman had alluded to one, and to one only, of the gentlemen who were excluded among the nine. That gentleman was a magistrate, and had been placed in the commission on his (Mr. Herbert's) recommendation. The right hon. and learned Gentleman had brought up against the gentleman referred to the fact that twenty-seven years ago he had been convicted of a political offence. He need not allude to the state of Ireland in 1832, more than to say that there was then a general rising of the Roman Catholics against the payment of tithes. Extreme excitement existed all over the country, and this gentleman, then a very young man, was charged with joining in the conspiracy against the payment of tithes. He had made a speech in an obscure village, and he was convicted and sentenced to a fortnight's imprisonment from the commencement of the session, of which time one week had then elapsed. This gentleman felt extremely indignant at the treatment which he had received from the present Government, and he sent him (Mr. H. Herbert), as Lord Lieutenant of the county, a letter tendering his resignation of the office of magistrate, and requesting that it should be forwarded to the Lord Chancellor. He (Mr. H. Herbert) believed that the Gentleman was exceedingly well qualified for the magistracy, though the right hon. and learned Gentleman did not think he was qualified for the subordinate one of juror.

Mr. WHITESIDE explained that he had not said that the gentleman was not fit to be a juror; but what he did say was, that a person who had been convicted of conspiracy himself was not a fit person to try another for conspiracy.

Mr. H. A. HERBERT said he thought that that statement coincided with what he had said. He thought that his statement was fully borne out; for the hon. and learned Gentleman said in effect that because this gentleman had been convicted of this offence he was for ever afterwards to be incapable of discharging the duty of a citizen. He was proceeding, when interrupted, to say that he had recommended this gentleman to be a magistrate because he considered, from the high character which he bore in the county, that he was fit to be on the bench; and he still held that opinion. When he received the letter to which he had referred, he wrote back to the gentleman and stated that he thought it would be a great loss to the public of Tralee if he persisted in his determination; and added, that because the Government had acted improperly, he did not think that that was any reason why the public should be deprived of his services. If the Government now thought otherwise they had the remedy in their own hands, for the Lord Chancellor could take away the commission which the gentleman no longer wished to hold. He (Mr. H. Herbert) repudiated any wish to excite sympathy for the prisoner, who, he believed, had been justly found guilty, but in a population comprising an enormous majority of Roman Catholics, that majority conducting themselves with the utmost propriety, and evincing (some very young men and persons of bad character expected), no sympathy with the prisoner, it was most inexpedient to exercise the privilege possessed by the Crown in the manner in which it had been exercised on this occasion. If ever there was a time at which it would have been politic to have had one or two respectable Roman Catholics on the jury it was this. To show the opinion entertained in the county on the subject, he would read an extract from the letter of a Protestant magistrate, who said it was "a most unnecessary and improper act to strike off men who could certainly be trusted." Another gentleman, who was as strong a Protestant as the hon. Gentleman opposite (Mr. Spooner), and a high Tory, said, "the Crown made an egregious blunder in challenging Mr. O'Connor, and in not having some respectable Roman Catholics on the jury." It would have been not only just but prudent to have avoided all appearance of sectarianism, and he was quite sure that no one would have been more ready to find a prisoner guilty, if he were really proved such, than the person to whom the right hon. and learned Member had objected.

FLAG OFFICERS.

QUESTION.

Admiral DUNCOMBE said, he would beg to ask the First Lord of the Admiralty why the vacancy on the (A) Flag Officers' List, caused by the death of Admiral Douglas in December last, has not been filled up, in accordance with the Order in Council of the 25th of June, 1851? Nineteen vacancies had occurred of which eighteen had been filled up, but the nineteenth still remained open. By not filling up this vacancy a great hardship was inflicted on certain officers in the service. The senior captain on the list, who would otherwise have received promotion, enjoyed a good-service pension, and the difference of pay would not therefore be to him considerable; but had he happened meanwhile to die, his widow would not have received so large a pension as if he had received promotion in the ordinary course. It was certainly not from any desire to create patronage that the First Lord had abstained from filling up the vacancy, for had he done so he could have had a good-service pension at his disposal.

Sir JOHN PAKINGTON said, he was the more willing to answer the question of his gallant Friend, because it was free from that electioneering character which attached to a good deal that had been heard that evening. He had to state in reply that when the vacancy occurred, the pension was offered to a gallant admiral, but the offer was declined, and he (Sir John Pakington) was informed, perhaps incorrectly, that from the peculiar nature of that pension list, previous offers of a similar character had been declined. He had considered it better to suspend the filling up of the list for a time, under the belief that a new system of retirement which he had in contemplation would render it unnecessary to retain this list at all; and, indeed, the list was only one of many contrivances that were resorted to, from time to time, as substitutes for a well-regulated system of naval retirement. He thought when such a system was adopted the list would be altogether unnecessary. He had not matured his plans, however, and consequently it would be a hardship to continue the vacancy any longer. He had therefore the pleasure of informing his gallant Friend that some days ago he had determined to fill up the appointment. He had not yet matured his plans, and therefore he believed it would be hard to continue the suspension any longer, and consequently he had, within the last few days, filled up the vacancy.

OUR TROOPS IN INDIA AND IN TRINIDAD.—THE EXAMINATIONS AT WOOLWICH.

Sir G. C. LEWIS said, he wished to ask the Secretary of State for War a question on the subject of the numerical force of troops to be retained in India during the next financial year; and as there appeared to exist some misundertanding as to what had been stated the other evening, perhaps the right hon. and gallant Gentleman would have the kindness to state distinctly to the House, so far as his memory would serve him, what was the present number of troops of all arms in India, and what reduction he contemplated making in the course of the year, inasmuch as the Estimates had no doubt been framed with a view to that prospective reduction. He would also ask whether there was any foundation for the statement which was made on a former evening as to the head of the Indian Government in India having been required from this side of the water to receive and maintain on the Indian establishment a greater number of troops in Her Majesty's service than was desired for the defence of India and for the preservation of peace during the present year. He thought that everybody must see that, in the present state of the finances of India, it was not desirable that any burden should be imposed on that country which was not necessary for its safety and welfare. He had not himself heard anything that would lead to the belief that such was intended, but an impression of the kind prevailed in certain quarters. It would also be advantageous if the right hon. and gallant Gentleman would state whether if the Indian Government found that they would be able to return a greater number of men to this country than they previously thought would be possible, Her Majesty's Government would be prepared to disembody the militia, or to make other arrangements to receive those additional regiments in this country, or whether it would be necessary to come to the House for further powers.

Mr. MONSELL said, he would beg to ask the Secretary of State for War why the report of the last competing examination for Cadetships in the Royal Academy at Woolwich was not published within the usual time after the conclusion of the examination; and why there has not been the usual public notice of the approaching examination? In his opinion one cause of the great success of the examinations at Woolwich was the great publicity connected with them. Of the seven previous examinations the reports had been published within a very short time; but of the examination which was held three months ago there had been no report.

General PEEL said, he would first reply to the question of the hon. and gallant General the Member for Westminster (Sir De Lacy Evans), with respect to the detachment of the 41st Regiment at Trinidad. The authority by which the troops had been moved from camp to barracks was the local authority on the spot. They were encamped in consequence of the outbreak of fever in September, and were probably sent back to barracks because the fever had ceased to rage. From information he had received that morning it appeared that the troops were now in camp, and therefore he did not know for certain that they had ever been sent back to barracks. He was sure that the hon. and gallant Member would be glad to hear that it appeared from the report which he had received that the fever had entirely ceased, and that the health of the troops was good; though it was thought advisable that they should still remain encamped whilst the barracks were cleansed and whitewashed. The hon. and gallant Member had also alluded to the removal of the detachments from Trinidad, and he could inform him that by the last mail he had sent out through the Colonial Office a discretionary power to the officer in command, if he thought it necessary, to remove the troops. The barracks were as well constructed as they could be ; and the mortality during the last ten years had not been greater in Trinidad than might be expected, for the deaths among the Europeans were not more than 4 per cent, whilst in the black regiments the mortality was 3 per cent or more. The right hon. Baronet (Sir George Lewis) had asked what was the present number of troops upon the Indian establishment, and if any of them were to return home during the year. Speaking from memory, as he had had no notice of the question, he should say there were seventy-three regiments of infantry and twelve regiments of cavalry now in India. Before framing the Estimates for the year he had endeavoured te come to an understanding with the Secretary of State for India as to the number of troops that were likely to return home during this year. There was no desire to impose upon the Indian Government any number of troops, and he would have been glad to receive any regiments that could be sent home ; but in consequence of the letters of Lord Clyde, in November, in which he said that seven regiments of infantry and one of cavalry were all that could be spared during the next year, the others were left upon the Indian establishment. So far from desiring to impose unnecessary burdens upon the Indian Government, the great difficulty had been to meet their demands. That Government, without any communication from home, had sent out vessels and taken regiments wherever they could get them. The right hon. Gentleman opposite (Sir George Lewis) had also asked him whether, in the event of any additional regiments coming home from India during the next financial year, over and above those which were expected, there would be any objection to receive them in this country, and whether they could be maintained here by means of disembodying some militia regiments or otherwise without exceeding our present military establishment. In answer to those questions, he could only say that there was not the slightest wish on the part of the Government here to impose upon that of India the necessity of keeping there a single regiment beyond those which they required, and that if they should deem it expedient to send to this country other regiments in addition to the seven which were already under orders for return home, Her Majesty's Ministers would not have the slightest objection, looking to the present state of Europe, to receive them. The Indian Government had sent a requisition to this country for twelve batteries of artillery, and not only had it been there resolved to raise that force, but they had determined to raise twelve European batteries of their own, so that in deciding to comply with their request on that point, Her Majesty's Ministers were only acting in accordance with what they deemed to be the requirements of the Indian service. The order to send out those twelve batteries had, however, since been rescinded. With respect to the question of the right hon. Gentleman the Member for Limerick (Mr. Monsell), in reference to the examinations at Woolwich, he could only say that when he had come into office he had promised that two additional examinations should be held there exactly on similar terms as those on which they had previously taken place. In consequence of that promise the Rev. Canon Moseley had been allowed to adjudicate on those examinations as before. The right hon. Gentleman was mistaken in supposing that any greater delay existed in the publication of the reports of the last examination than had occurred on former occasions. In consequence of the illness of one of the examiners, indeed, the report had not been sent in as soon as otherwise would have been the case, but it would be published to-morrow, and a copy of it would be sent to each of those who had presented themselves for examination. The right hon. Gentleman had also asked why the usual public notice had not been given as to the time at which the approaching examination would be held. In reply to that question, he had simply to state that such notice had been duly given in *The Gazette* on the 15th of March last. It had not been inserted in the various public journals, as had previously been the case, because it would have been charged for as an advertisement, and a considerable expense would thus be incurred. A circular had also been printed, and any person requiring a copy might have it.

JAMAICA IMMIGRATION.

Mr. GILPIN said, in the absence of the Secretary of State for the Colonies, he would beg to ask Mr. Chancellor of the Exchequer whether the Government assent has been given to the Jamaica Immigration Bill. Also, if the Papers on Immigration, which the Right hon. Baronet thought would be ready by the 31st of March, are yet ready. And, if the following Papers will be ready to be laid before Parliament previous to its Dissolution:—Returns of the number of Immigrants from India and China who have been introduced into the British East or West India Colonies since 1835; with a Statement of the mortality on the passage; the duration of the voyage; of the number who have left each Colony to return home; of those who died there; of those who have become chargeable as paupers or otherwise on the Colony; how those that remain are employed; and a Statement showing what proportion of the expenses on Immigration account has been paid out of the funds of each Colony, and how much out of the Imperial Exchequer?

THE NATIONAL GALLERY.—QUESTION.

Mr. CONINGHAM said he wished to ask the Right hon. Gentleman the Chancellor of the Exchequer a question with respect to some recent purchases of paintings which have been made for the National Gallery. He perceived that three purchases of early Italian pictures had been recently made. One of them was said to be a picture of Marco Bassaiti, which he had carefully examined, and with respect to which he had consulted persons who had great experience in the purchase of pictures, who entirely agreed with him in the opinion that the whole surface of the picture had been restored, and that it had been so stippled over as to have been rendered worthless and worse than useless. In fact it was a disgrace to a national institution where none but models in art ought to be exhibited. There was also a picture by Cima de Conegliano which presented a most unfavourable specimen of restoration, and which he believed had been purchased for the National Gallery from some French dealer in Paris. the third picture to which he would refer was one whch was purchased from a gallery at Turin. It was formerly attributed to Moretto, but it was now said to be by Moroni. He must conclude, however, that it was not a genuine picture of that master, and that it was altogether a painting of an inferior character. Seeing that so large an expenditure of public money had been made in those purchases, he could not help calling the attention of the Chancellor of the Exchequer to the subject, for it amounted, in his opinion, almost to a malversation of the National Funds. The mistake which had been made in those purchases he could only attribute to an error in judgment; he should not even insinuate a graver charge. But that the public money had, in the instances to which he had just adverted, been improperly laid out, he was prepared to maintain, and he should, upon some future occasion, be prepared to bring the subject more at length under the notice of the House. Purchases such as those lowered and deteriorated our collection of pictures, and he therefore could not sit silent while paintings which he would not say might be referred to the class of mediocrity, but which were almost entirely worthless, were placed in the National Gallery.

THE DISSOLUTION.—QUESTION.

Viscount PALMERSTON: Sir, I hope the right hon. Gentleman the First Lord of the Admiralty will not find fault with me when I say that the question I am about to put to the right hon. Gentleman opposite will be decidedly of an electioneering character. All I wish to ask is this, whether Her Majesty's Government have come to any decision at present as to the day on which the dissolution is to take place, and whether the writs will be issued on that day; or, if not, on what other subsequent day they will be issued? I am sure that the right hon. Gentleman will excuse me for making this inquiry, because it is a matter in which great anxiety is felt by all parties, for it is exceedingly inconvenient to them, having regard to their various arrangements, to be kept in suspense as to the time when the elections will take place. Therefore, if Government will give us some positive information on this subject, I am sure they will be conferring a positive obligation.

The CHANCELLOR of the EXCHEQUER said, in reply to the question of the hon. Member for Brighton (Mr. Coningham), that inasmuch as he was unaware that it was his intention to bring the subject of the recent purchases made for the National Gallery under the notice of the House, he was at the present moment quite unprepared to enter into any criticism of the pictures which he had mentioned. The subject was, however, one which was of great importance, and he should endeavour to obtain that information with respect to it which would be expedient for the guidance of the Government as to the course which ought to be taken in reference to the National Gallery. In reply to the questions of the hon. Member for Northampton (Mr. Gilpin), he had only to say that the Jamaica Immigration Act had been confirmed by Her Majesty in Council; that the papers which had been promised to be laid before Parliament by his right hon. Friend the Secretary for the Colonies were so voluminous that he was afraid, although they were in progress, it would not be in the power of the Government to lay them before Parliament before the dissolution took place, and, lastly, that no Returns relating to the number of emigrants from China to the West Indies had reached the Colonial Office. The question which had been put to him by the noble Lord the Member for Tiverton was one which it was rather difficult to answer in so precise a manner as he could desire. All he could say in reply to it was, that the Government would advise Her Majesty to prorogue and dissolve Parliament during Passion week, and that, so far as he could form an opinion, the new Parliament might meet by the 31st of May. It was, however, impossible for him at present to fix on the precise day for either the prorogation or dissolution; but he should probably be in a position to speak more definitely on the subject on Monday next. It might be convenient for public reasons that the House should sit a day or two longer than he anticipated, and it would not be right that the issue of the writs should take place on Good Friday; but, generally speaking, Her Majesty would, as he had said before, be advised to prorogue and dissolve Parliament in the ensuing week, and, as far as he could calculate, the new Parliament would meet about the 31st of May. He had to state, in reply to the question of the hon. Member for Lambeth (Mr. W. Williams), that his noble Friend the Secretary of State for Foreign Affairs had thought that he was not bound to pay the stamp duties on his patent of appointment. He (the Chancellor of the Exchequer) had submitted a case to the Attorney General, who agreed with him in thinking that Secretaries of State were liable for the fees in question, and he (the Chancellor of the Exchequer) had given directions to enforce payment of them, not only from his noble Friend, but from some of his predecessors.

The Chancellor of the Exchequer

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half-past Seven o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 18, 1859.

MINUTES.] PUBLIC BILLS,—2ª Remission of Penalties.

3ª Pauper Maintenance Act Continuance; Local Government Supplemental; Public Offices Extension; Naval Medical Supplemental Fund Societies Annuities, &c., Act Continuance; Consolidated Fund (Appropriation); Exchequer Bills (£13,277,400); Confirmation and Probate Act (1858) Amendment.

THE RED SEA TELEGRAPH.
QUESTION.

LORD STANLEY OF ALDERLEY said, it would be in the recollection of their Lordships that on Friday night a short discussion took place with respect to the Red Sea Telegraph, when the noble Earl at the head of the Government was understood to state that the guarantee would not take effect until the contractor had delivered into the hands of the company the line in an efficient working state. A letter had since appeared in *The Times*, signed by Mr. Peel, the secretary of the company, stating that the guarantee would take effect from the time the contract was entered into between the company and the contractor. He wished to know which version was correct. It was reported, moreover, that an instalment had actually been paid by the Treasury to the company, although no Vote had been taken in the House of Commons, and the Bill had not passed through Parliament.

THE EARL OF DERBY admitted that his statement on Friday night was in some respects incorrect. What he wished to convey was, that the liability of the Government was, to a certain extent, although not altogether, covered by the contract which the company had entered into with the contractor. If the contractor should fail in executing the work, the company would be entitled to proceed against him for non-performance of contract, and the Government, on the other hand, would have the same right to recover from the company any advances which it might be disposed to make. It was true that a payment had been made by the Treasury in anticipation of a Vote by the House of Commons, but that was no more than what had been done in all previous cases of a similar kind. The late Government, indeed, made a contribution to the Mediterranean Extension Company in the shape of an actual payment, not simply of an advance, and it did so without the sanction of Parliament. He thought, however, that this was not a very regular course, and he hoped that in future no such payments should be made except out of funds provided by Parliament.

LORD STANLEY OF ALDERLEY was understood to say, that in the case of the Mediterranean Extension no money was paid until the line was completed.

THE EARL OF DERBY said, that his observation did not apply to the completion or otherwise of the line, but referred to payment having been made without the authority of Parliament.

DISTURBANCES IN TRAVANCORE.

MOTION POSTPONED.

THE EARL OF MALMESBURY said, the noble Earl (the Earl of Shaftesbury) had given notice of a Motion for Papers relating to the late disturbances in Travancore. He had now to make an appeal to the noble Earl to postpone his Motion, in order that he (the Earl of Malmesbury) might at once make the statement which he had promised to their Lordships.

THE EARL OF SHAFTESBURY said, that the question which he wished to bring before their Lordships was one of great importance, but as it was not of such immediate interest as that to which the noble Earl referred, he could have no hesitation in postponing his Motion. He might, perhaps, take that opportunity of giving notice that he should in the next Parliament call the attention of their Lordships to Her Majesty's Proclamation. Of that Proclamation, as it appeared in England, he heartily approved, but it had been so perverted, misunderstood, and mistranslated, that very serious consequences, indeed, had arisen from it in India—of which there could not be a more striking proof than those disturbances at Travancore—which he had intended to bring under their Lordships' notice.

THE STATE OF EUROPE.

MINISTERIAL STATEMENT.

THE EARL OF MALMESBURY: My Lords, I must begin by returning thanks to my noble Friend for his courtesy in giving way to me on this occasion. I hope that your Lordships, whom I have twice disappointed before, when I promised to make a statement upon the position of affairs in Europe, will believe, not that it was from any reluctance on my part to lay before you all the information which I might be permitted by public duty to give, but that I thought that by waiting three or four days longer, I might be able to give to your Lordships more fully that information which you looked forward to with so much anxiety. Your Lordships will easily recall to your recollection what was the state of Europe at the commencement of this year. On its very first day we were alarmed by the additional proof which was supposed to have been given by some words addressed by the Emperor of the French to the Austrian Ambassador at Paris, that the relations between France and Austria was not so satisfactory as we should all desire them to be. That belief on the part of the public was very soon strengthened by several incidents to which it is not necessary that I should advert. But while the relations of France, Austria, and Sardinia were certainly in an unsatisfactory and indeed in an alarming condition, the relations of this country with the whole world were, on the contrary, of a most satisfactory character. My Lords, I do not say this with any desire to obtain credit for Her Majesty's Government, because I know that questions of peace and war are in hands higher than those of men; but it is remarkable that at that time the position of this country and its relations with all other States, great and small, in both hemispheres, were those of the most profound peace and tranquillity; and this I say, because in the events which subsequently took place England was from this circumstance and from her power the country which in all Europe was best qualified to act as mediator and negotiator between the States whose relations were not in that happy condition. I need not go at any length into a discussion of the relation occupied by Austria towards this country. Your Lordships know that the feelings of Englishmen towards the Austrian people has ever been to regard them as very ancient allies, who have been sharers in the events which are recorded in some of the most glorious pages of our history; and whose fate has heretofore been bound up with that of our own country; that we are of the same Teutonic origin, that our respective geographical positions are such that no jealousy can exist between us; and that therefore our sympathies are, for all these reasons, entirely with the Austrian people. But, by Lords, if for these reasons our sympathies are given to the Austrian people, so, on the other hand, they are, to a certain extent, alienated from them by the signal difference which exists between the two Governments. Theirs is an essentially despotic Government, and ours an essentially free one; and there certainly exists—neutralizing the feelings which I have described as prevailing between the two nations—another feeling as regards the Government of Austria which arises from that difference between the respective Governments. My Lords it appears to me that it is in Italy especially that the Austrian Government has given rise to this feeling with respect to its administration. No Minister of this country, and I believe no subject of Her Majesty, will deny the validity of the claims by which Austria holds her Italian dominions. She possesses them by inheritance, by conquest, and by treaty; and these are the same titles, by which Her Gracious Majesty holds the kingdom of Scotland, her empire of India, and some of the colonial dependencies of the British Crown and these are — the rights of inheritance, of conquest, and of treaty. My Lords, her Italian possessions have been secured to Austria by treaties which our Sovereigns have signed, and those treaties are not only held sacred by every person in this country who is interested in politics, but are looked upon as of the greatest consequence to the security of the whole of Europe, and as engagements which must be upheld by any Government which administers the Affairs of Great Britain. It is not, therefore, on account of her possessions that our feeling towards Austria is less sympathetic than it would otherwise be. It is because when in possession of that part of Italy she has not, as we think she ought to have done, wisely restricted herself to the management of her own affairs, and to the amelioration of the condition of her own people, but has been induced by political reasons to interfere with other States of Italy, and has thus become unpopular, not only in that country, but to a certain degree, as far as her administration goes, also in this. It is in private life a most dangerous and unpopular employment to be a constable to preserve the peace of a village or city. Austria has assumed this position in Italy. By keeping in awe those populations which could not be restrained by their own rulers she has not only assumed a great deal of what I should call unnecessary unpopularity, but has also diminished her strength in her own part of Italy; and there can be no doubt that if her policy in this respect was changed she would both secure the peaceful possession of her own dominions and strengthen her political importance over the rest of the peninsula. My Lords, with respect to Sardinia our feelings are different, and the contrast is remarkable. We are not of the same race or the same descent as the people of that country, and therefore there is no sympathy of race or of descent between us and them; but there is such a resemblance between our Governments; they are so nearly identical in character that the greatest desire for the prosperity of Sardinia has always existed in this country. We have always admired the way in which she maintained her liberties, and has made herself a living refutation of those assertions which have been constantly put forth, that constitutional Governments are impossible in Italy. For some years her Government proceeded in a peaceful and prosperous manner, and when she was obliged to have recourse to arms her behaviour and her deeds were admired by all men in this country. But, my Lords, more lately, I am sorry to say, she appears to have forgotten that her mission in Italy is one of example, and that she ought to stand forth as a model and a pattern to the other States. She seems to have forgotten that military glory may be an appanage of constitutional Government, but that it is not its object. She seems to have forgotten that every victory gained which is not in support of the principle of self-defence and self-preservation of her own liberties would be a fruitless victory, and one which would involve her in great difficulties with other countries. It is under these circumstances that the Italian difficulties have arisen; and it is for these reasons, which I have imperfectly sketched, as far as I can understand them, that the position of the northern part of Italy is such as we see with so much regret.

My Lords, Austria and Sardinia being in this position with respect to one another, and with respect to public opinion in Italy and Europe, there remains another great empire which did not look on with indifference on what took place in Italy. That empire, I need not say, is France. Now, my Lords, it is difficult for Englishmen, and for an English Minister, to understand by what process of reasoning, and by what principle of sound policy the ruler of that prosperous country should be induced to interfere with other nations, and to involve himself in the difficulties in which they are involved. Of all countries in Europe, France has the finest climate and most equal soil. Her wealth and resources are capable of almost incalculable improvement, and there is ample room for the energies of her people and those of her Government in bringing her to a much higher state of prosperity and development than she now enjoys. But, my Lords, France in her policy has deemed it fit to unite herself completely with the cause of Sardinia, and appeared determined at the time to which I have referred to assert her right of interfering in the affairs of Italy, and of restricting what she regarded as the encroachments, both moral and material, of the Austrian empire in that country. My Lords, this could be seen only with regret by her faithful ally, Great Britain. No one would suppose us, or would suppose any English Minister, capable for a moment of assisting the Austrian legions against the subjects of the Emperor of Austria. That is utterly foreign to our principles and our policy all over the world. It is contrary to our policy to interfere in the internal arrangements of foreign nations, to seek to emancipate them from any real or supposed oppression, or to endeavour to change their existing institutions. We accept the revolutions which they bring about by their own hands and their own judgments. We recognise their *de facto* Governments. It is, therefore, not easy for us to understand the policy under which France appeared to be desirous of taking part in a contest in which she had no direct interest.

My Lords, the state of things in Italy daily grew worse, and at the end of the month of February it reached such an alarming point that, as I have already told your Lordships, Lord Cowley was sent to Vienna. Before he went there he came to a perfect understanding with the Court of France as to their ideas respecting the Italian difficulty, and he had a complete knowledge of the particular points which the French Government seemed anxious to reform and to settle. At Vienna he was received, as I informed your Lordships before, with the greatest frankness and cordiality by the Austrian Government. Lord Cowley and Count Buol, the Austrian Prime Minister, discussed those points calmly and with all the feeling of personal friends—as they were—and of political allies. I cannot, indeed, venture to predict what would have taken place under those circumstances; but I must say I believe that if the negotiations had followed the course in which they were first commenced—if Lord Cowley had been permitted to continue as the sole mediator between the Emperor of the French and the Emperor of Austria, the negotiations would have been further advanced, and we should have had a greater hope of ultimate success than we have at present. I say this, my Lords, because, if one mediator alone had been employed—such a mediator as Great Britain, through her Ambassador, Lord Cowley — I think that difficulties would have been avoided which are naturally brought forward when a more formal and complex mediation is placed before the eyes of Europe. My Lords, when Lord Cowley returned on the 16th of March to Paris he found that some communications had been going on between Russia and France, the result of which appears to be that Russia proposed that a Congress should sit upon the affairs of Italy, that Congress to be composed of the five great Powers. This was stated to me first by the French Ambassador in London, who told me that such a Congress was to be proposed, and asked whether I should approve it; observing that France entirely supported it, and wished to know what England was inclined to do. My Lords, my conviction with regard to the best means of settling these matters was that which I have just explained to you; but I felt that if that plan should fail a very heavy responsibility would fall upon me if I refused the invitation which the Russian Government gave us to enter a Congress and make a combined effort to settle the Italian difficulty. I do not think, my Lords, that I should have been justified in declining to take part in that Congress, whatever my private opinion might have been as to the result. I therefore did assent. But before I received the Russian proposition, knowing as I did what the ideas of France were in respect to the particular points to be discussed in the Congress if it took place, and knowing also what were Count Buol's views on those points, I thought it better to anticipate the offer of the Russian Government, and to submit a basis for the Congress. This I did on the 20th of March, and on the 22nd of that month Baron Brunow brought me the official proposition that a Congress should be held, and at the same time agreed that it should be based on the four points which I had laid before the Russian Government. My Lords, these four points were these:—First, the means by which peace should be preserved between Austria and Sardinia; secondly, how the evacuation of the Roman States by the armies of Austria and France might best be accomplished; thirdly, whether any, and if any, what reforms could be made in the internal administration of these and other Italian States, whose present administrative defects might obviously be attended with danger to the peace of Europe; and fourthly, the substitution for the treaties between Austria and the Duchies of a confederation of the minor States of Italy for their mutual internal and external protection. We further required as a condition to our assent to the Russian proposal that it should be distinctly understood that the Congress would not entertain any question of interference with the actual state of the territorial possession of Italy, or in any way disturb the articles of the Treaty of 1815. Now, my Lords, these four points were received and admitted by all the other Powers as the basis of the Congress. But there were collateral questions which arose,—and the two principal collateral questions were, first, the composition of the Congress; and second, the disarmament of the three great Powers who were antagonists to one another. Your Lordships will observe that the question of disarmament involves the first of the four points which I had laid down—namely, the means by which peace should be preserved between Austria and Sardinia. With respect to the question of disarmament there occurred a difference of opinion. It was proposed by some that that disarmament should be accepted only in principle, and that its details should be the first question considered in the Congress. By others it was supposed to be much the preferable alternative that disarmament, real and effective, should precede the Congress, and that the Congress should be entered into upon grounds entirely political, and with a peaceful attitude. My Lords, I have no hesitation in saying that it was the opinion of Her Majesty's Government that a previous disarmament was the preferable course. It seems consistent with sound policy and common sense that persons who are antagonists, and who have to discuss thorny and difficult questions, should not enter the council chamber armed; that they should not enter into the discussion having the power, if they disagreed, of having recourse to force; and that they should have the means of violence taken from them before they engaged in discussion. That point, as I will tell your Lordships later, was considered, and, I am sorry to say, is not yet settled; but the question of the composition of the Congress was, after some discussion, arranged. Your Lordships will recollect that the Russian Government proposed that the five great Powers should alone sit in Congress. This has been the custom of Europe for a great many years when questions affecting the great public law of Europe have been discussed; and there appeared to none of us any reason why we should depart from the usual practice, and make an exception on the present occasion by calling in any other Power to assist us. But, my Lords, it at the same time seemed to me, inasmuch as we were going to discuss social and political questions of the greatest interest to Italians, that the Italian States ought somehow or other to be heard in the Congress; and, although upon the different points we had no intention of imposing either reforms or confederations, or any other improvement which we might wish to see effected on any one of the Italian States—although it was our intention, if we entered into Congress, only to recommend those reforms after we had deliberately entertained them, yet it appeared to me that it would be of very great advantage to those deliberations that the Italian nations should be represented, and should, on the one hand hear what we had to propose, while we, on the other hand, should hear what they had to say to our propositions. I therefore proposed that they should be invited and admitted whenever we wished to hear them during our deliberations. And that no want of respect might appear implied in this proposal, I reminded the great Powers and the Italian States of the analogous case that occurred in this country in 1830. At that time your Lordships will remember that the dispute between Holland and Belgium was proceeding, and the important operation of dividing that kingdom and erecting Belgium into a new monarchy, was settled by a Congress in London. Holland and Belgium were the principal parties to that arrangement, but they were not received into the Congress, or rather Conference, as it was called, as principals. They were heard in the Conference through their respective Ministers, who were first called Commissioners, and afterwards Commissioners Extraordinary, to that Conference. It appeared to Her Majesty's Government that there would be nothing derogatory to the dignity of the Italian States in following that precedent. But there is also another precedent, that of the Congress of Laybach, held in 1821, when Russia, Prussia, and Austria, made the nucleus of a Congress, which, after sitting some time, came to certain decisions with respect to Italian affairs, and then they invited the Italian States to sit with them, and to take a part in the discussion. But, my Lords, Sardinia, when the proposition of Her Majesty's Government was made, claimed, as one of the antagonists, to sit in the Congress. All the great Powers resisted that demand, and agreed that it would be very inconvenient to depart from the usual precedents. If Sardinia claimed to sit as a principal in the Congress, because she is interested in Italian affairs and the preservation of the peace of Europe, then the same claim might be made by Switzerland, the smaller German States, or any other country on the confines of Italy who might be in any way affected. It was, therefore, completely determined by all the five Powers, that Sardinia and the other Italian States should be invited to sit on the Congress only after it should have assembled; and that then those States might send delegates to inform the Congress of the wishes of their various Governments. My Lords, while this discussion was proceeding another was taking place with respect to the question of disarming. Austria put forth, with considerable tenacity, that she would not attend the Congress unless Sardinia previous disarmed. That appeared to Her Majesty's Government an unfair proposal; but we suggested this course—that if Sardinia would consent to disarm, it would invite France, together with England, to guarantee her from any attack on the part of Austria; and Austria at the same time offered to make a public declaration that it would not make any attack on Sardinia. But that proposal fell to the ground because the French Government declined to make such a guarantee. Her Majesty's Government, therefore, have never proposed to Sardinia to disarm, because we could not give her the guarantee necessary for her security. But after considerable discussion, with which I will not weary your Lordships, the case stands at present in this form:—Austria and France have agreed to the principle of a disarmament, but have not agreed as to the time and manner of it. Austria proposes a disarmament previous to the Congress. France proposes that the principle of a disarmament shall be acknowledged before the Congress meets; but that the details of that disarmament shall be considered after it has met. But I may say that my own opinion is that the Congress is not the most competent body to discuss the details of the disarming of three great armies, and that this would be better done by a commission of officers of the three armies before the Meeting of the Congress so that when the several Powers enter the Congress there would be nothing to disturb the minds of the representatives but the questions they are sent to discuss, which will be entirely of a political nature and having nothing nothing to do with military operations. I am sorry to say, therefore, that the question of disarming is not settled, and that it is one without the settlement of which we cannot enter advantageously into the Congress. The matter, my Lords, therefore stands as I have now described. Sardinia has also been invited to disarm by Prussia, exactly on the same footing as Austria and France; but she has not consented, grounding her hesitation on her exclusion from the Congress.

My Lords, it is a source of considerable regret, as you may well imagine, to Her Majesty's Government that it is not able to give a more satisfactory account of the negotiations that have been so long pending on this subject. I feel all the responsibility and all the gravity of the situation. Her Majesty's Government having such a task on its hands would for its own credit have applied all its energies to it; but there is an object much greater than the credit of individuals or of the Government —that object is the peace of Europe; and when you consider, if unhappily we are to have war, what a war it will be, the responsibility of those men who have refused or neglected any occasion of averting it is great indeed. It will be no common war; it will be no conflict between chivalrous nations in a distant land, like the Russian war in the Crimea. By a war in Italy, elements will be upheaved that will scarcely be settled again within our time. It will excite the hopes of persons without the slightest patriotism, who will endeavour to obtain their own desperate objects by such a war. It will evoke every wild theorist, and every impossible theory, of Republicans of every hue and colour; all will expect to find their account in this war; it will include all kinds of principles, and raise all kinds of expectations; it is impossible for any human being, whatever his experience to say when such a war would end, or what would be its termination. Then, my Lords, I may be permitted, as the Minister of a country as great as either of the powers involved, to implore the Ministers of those countries, to think once more, how serious is the responsibility of those who lightly enter upon such a war, and how great may be the calamities that may be caused by any neglect, or hesitation on their part, to adopt the measures that may avert hostilities. The only consolation we have, personally, is that, as Her Majesty's Ministers, we have omitted no single step that was within our power, have neglected no possible means of averting such disasters; and if they overwhelm us, may Almighty God pardon those by whom they shall be caused.

THE EARL OF CLARENDON: My Lords, the speech of the noble Earl has laid bare a state of things so perplexing and so difficult that I do not wonder the noble Earl should have postponed it till the latest possible moment. I do not wonder he wished to postpone the communication while there was any hope of bringing these protracted negotiations to a conclusion that might have realized the expectations he held out to your Lordships, that unless some untoward and almost impossible event occurred, the Congress might assemble at the close of this month. I am not complaining of the delay that has taken place; I think it is not unnatural that Her Majesty's Government should have wished to wait, in the hope of being able to give a more satisfactory account of the negotiations. I think it not unnatural that the Government should have feared the effect of Parliamentary discussion upon them; though I believe in this case the fear has no foundation—because during the ten weeks so many conflicting reports have been in circulation, the conduct of Parliament has been eminently judicious. A complete absence of party spirit, and the calmest forbearance, have marked the sense Parliament has entertained of the gravity and importance of the interests involved in these negotiations; and its unanimity on more than one occasion has expressed its conviction that the national law of Europe ought to be maintained. I wish that my noble Friend had been able to make a more satisfactory statement to your Lordships. I wish that on the eve of the dissolution of Parliament, when during six weeks this country will be deprived of the assistance which Parliament might have given to the Ministers of the Crown, my noble Friend had been able to afford explanations more calculated to allay the public anxiety. But, my Lords, assuming that there is sincerity on the part of the Governments concerned—assuming that they are not pursuing a hidden policy which they dare not avow, and which would entail that frightful responsibility to which my noble Friend alluded in the concluding part of his speech—it is difficult to comprehend how matters have arrived at their present stage. Austria declares that she will not attack Piedmont; Piedmont declares that she will not attack Austria; and France declares that she will not attack Austria unless Austria attacks Piedmont. England, Prussia, and Russia have been employing their good offices unceasingly, according to the statement of my noble Friend, in order to bring about a satisfactory settlement of these difficulties; all profess the utmost anxiety for peace and the utmost abhorrence of war; and yet, during all this time, preparations for war upon a gigantic and ruinous scale have been made. Austrian *corps d'armée* have been pouring into Italy; fortresses have been provisioned and placed in a state of most complete defence; troops have arrived from Algiers and from Paris, which we are told are to compose an army of the Alps; there is unusual activity in the arsenals and dockyards of France; in short, everything in France denotes an approaching campaign. Piedmont is exhausting her resources and checking the industry of her people by the large army she is keeping on foot, and by the maintenance of those great bodies of volunteers which she invites from every part of Italy. The warlike spirit of Germany can scarcely be kept under control, while the newspapers of the different countries are full of offensive and hostile articles. And yet, in presence of this menacing state of affairs—in this hourly increasing danger of war—this Congress, which is said to be the only means of maintaining peace, cannot meet because the parties have not agreed upon the *sine quibus non* conditions of the negotiations. My Lords, I must say this does not bear out the assumption that there is an honest purpose or a real desire to keep the peace. This fact justifies mistrust, and to that mistrust I attribute the proposals which my noble Friend has just mentioned, and which have certainly increased the existing complications. Now, I think that Austria should not have made a demand upon Piedmont to disarm; and I think that that demand should have received neither support nor encouragement, for Austria thereby has rendered herself obnoxious to the charge of proposing that which she knew could not be agreed to, and therefore of creating an unnecessary amount of obstacles to the meeting of the Congress. And, my Lords, in the present excitement and enthusiasm in Piedmont, no matter how that arose and whether justifiable or not, I really can conceive nothing more likely to bring about that rupture which all profess to dread than the disarmament of those inflammable materials collected from every quarter — those corps of volunteers, amounting, I understand, to about 10,000 men. All these are now under the control of military discipline; but once let loose from order, they would have committed acts which Austria would have punished, and Piedmont would have resented. I have heard with very sincere satisfaction this evening from my noble Friend not only that this proposal did not originate, as was at first imagined, with Her Majesty's Government, but that it proceeded from Austria and received from them no support. But, my Lords, Austria has made another proposal for a general disarmament, according to the statement of my noble Friend. Although, abstractedly speaking, such a proposal would be most desirable in itself, yet when considered with reference to the meeting of the Congress it does not appear to me to be a wise proposal—if, indeed, it is not impossible. If Austria were to recall all those troops that she has lately sent into Italy, and if Piedmont were to adopt a similar course, there is no doubt that the prospects of peace would be incalculably promoted. But I fear things have gone too far for that. None of the parties can sufficiently trust each other; none of them have sufficient security as to what will be the result of the Congress—to venture on disarmament at the present moment; and they cannot be sure that they would not have immediate occasion to re-arm, which it would take months to effect. It seems to me that the proper course to have taken was simply to have entered into an understanding by which it should have been agreed that no further preparations should be made, that no troops should be moved from their actual position, and that no attack should be made by either party, until the Congress should have deliberated upon the questions in dispute. In fact, things should have been left in the exact position they were in at the moment. The points for deliberation might then have been settled. This might have been done if the parties sincerely desired to do that which was right and just and likely to be lasting, and it would have been found that the business of the Congress lay in a nutshell, and its deliberations might have been brought to a conclusion in the course of a fortnight. I was glad to hear from my noble Friend—although his statement was far from satisfactory — that the idea of a Congress is not abandoned. After all that has passed, after all the expectations that have been held out, I think it would be unfortunate if a Congress were not to meet. A Congress is necessary after a war in which several Powers have been engaged in order to settle the terms of peace, and to make those arrangements which are necessary for the establishment of peace, in which arrangements all the Powers concerned are interested; but in the present case it is difficult to understand what are the questions upon which the deliberations of a Congress are necessary. If, my Lords, it is intended to require Austria to withdraw from that territory to which she has treaty rights, why, my noble Friend and Her Majesty's Government know very well that the answer of Austria would be that she recognizes no authority on the part of a Congress in 1859 to abrogate the rights conferred by the Congress of 1815. Austria would reply that she was prepared to defend her rights; and there would be an end of the Congress. If, on the other hand, it is intended to require Austria to withdraw her troops from the Papal States, we all know that she says she is prepared to do so as soon as France withdraws from Rome. If it is intended to demand an abrogation of the treaties between Austria and the Italian States, that is a matter for negotiation and we might so avoid the danger and delay of a Congress. In fact, if what my noble Friend says is strictly true it would appear that when Lord Cowley returned to Paris he had in his hand all the means of bringing matters to a satisfactory solution. But I believe that all my noble Friend knows is this—that one despotic Power has proposed to another despotic Power that, by means of a Congress, a third despotic Power should pave the way for liberal institutions in Italy. Now, I doubt very much whether there is sufficient sincerity in the Powers concerned to carry this arrangement to a successful issue. The removal of all the difficulties which have arisen must depend upon the spirit in which the Congress shall conduct its labours; but as it appears that the alternative is an immediate war, the holding of a Congress is nothing more than an extension of the principle adopted at the time of the signing of the Treaty of Paris, of having recourse to mediation before an appeal should be made to arms; and one may reasonably expect that when the representatives of the great Powers shall meet around a table, rights guaranteed by treaties will be respected. But in order that this expectation should have a chance of being fulfilled it will be necessary that the contracting Powers should come to some preliminary arrangements—first, the rights conferred by treaty shall be strictly respected, and secondly, that the rights conferred by treaty shall in no respect be exceeded. If we are parties to, or in any way sanction the violation of those treaties by which the Austrian possessions in Italy are secured and maintained, we may rely upon it that that process will not stop there, and that we shall soon have to consider other and more important questions of territorial arrangement. However, it may be thought, after a lapse of forty years, that in some cases the provisions of the Treaty of Vienna were defective in foresight—and it cannot be denied that in two or three cases they have broken down under the overwhelming force of circumstances—it cannot upon the whole be denied that they have served their purpose by maintaining the peace of Europe; and the best proof of the confidence attached to the arrangements which they effected was the universal satisfaction with which all Europe hailed the declaration of the Emperor of the French that he would respect the faith of treaties. But if these treaties are now to be torn up, and if Europe is to be scrambled for, I say that nothing but endless strife and universal confusion can arise. It is therefore not only for the interest of Austria, but for the general security of Europe, that the rights conferred by the treaties which now form a portion of the international law of Europe should be maintained; and, although in some cases these treaties may be repugnant to that spirit of liberty and desire of progress which are inherent in Englishmen, we are bound in honour and in good faith to maintain them. It was owing to that determination that France and England engaged in the late war with Russia, and submitted to the many sacrifices it entailed, and not certainly from any desire of strengthening the Mahomedan power and checking the progress of civilization in some of the fairest provinces of Europe. We must also remember, my Lords, what were the objects of the Powers by whom the Treaty of Vienna was concluded. Their objects were mainly directed against France—to create a barrier against France, and more especially in the north of Italy; and therefore it was by the unanimous wish of all the great Powers of Europe that Austria resumed her possessions in Lombardy; and it was for precisely the same reason that Genoa was added to Piedmont. All the territorial possessions maintained or secured to Austria are to be found set forth in detail in the Treaty of Vienna, and the possessions of Austria in Italy, have been most correctly described by my noble Friend when he said that they are the result of conquest, or inheritance, or long tenure, or contracts which for upwards of 100 years have been recognized as part of the international law of Europe. Upon those treaties Austria has a right to take her stand; upon those treaties, so taking her stand, she should be upheld by the other Powers of Europe. But when she takes her stand upon those treaties I think she is bound to make every concession compatible with her honour to avert the calamities of war. I think she is bound not to exceed, by one single hair's breadth, the rights she has thus acquired. It is contrary to those treaties, and contrary to international law that Austria should claim a right to occupy, and to reduce to a condition of political vassalage, States that ought to be independent. I think that those exclusive treaties between Austria and the sovereigns of the adjacent States in Italy which, on the one hand, confer a right on them to call on her for aid, and on the other hand, in the event of disturbances give her a right to occupy their territories —I think that those treaties are unnecessary; I believe that they are a great mistake on the part of Austria, and that they have been productive to her of considerable injury. I do not think there is much reason to apprehend that they will now be carried into execution. In the present temper of Europe I believe that the occupation of any of those territories by Austria would be looked upon much in the same light in which the occupation of the Danubian provinces by Russia was regarded. I believe that it is in the interest of Austria that those treaties should terminate, because while they exist she is made responsible for the state of things which has arisen, under which the Sovereigns of those States are enabled to disregard the wishes and opinions of their people, to sacrifice their interests, and to govern without any reference to those reciprocal duties which belong to Sovereigns and to people; because, as one of them said, "I have 300,000 soldiers to back me, and I can do as I like." I say that those treaties should be terminated, and with them the occupation of the Papal territories, which has hitherto been justified by Austria as a measure of security against the spread of disaffection. But the disaffection of which Austria lives in constant dread arises from misgovernment. Men are not naturally disaffected or turbulent; men do not naturally rebel against good laws and good treatment; but they resist injustice and murmur under the misery created by bad laws and bad administration. In the present condition of the Papal States one foreign army is employed in maintaining tranquillity in the capital, and another in performing the same service in the provinces. But I believe that the French occupation of Rome has been a great misfortune to France. It has placed her in a false position, and a false position always becomes worse in the course of time. France has long felt that her army in Rome can neither remain there with credit nor withdraw with safety; and as long as that army remains where it is, France, in the eyes of the world, is virtually responsible for the acts of the Papal Government. Good advice has not been spared in that case, but it has hitherto been tendered in vain, and all offers to interfere in the internal affairs of the Papal Government, except for the purpose of maintaining order and repressing the just discontent of the people, have been peremptorily refused. No position, I think, can be more false or more injurious to a great nation than that. I brought this subject of the occupation of the Papal territory before the Congress of Paris because I thought that the moment was an opportune one, when we were taking measures for withdrawing foreign troops from the Russian, the Greek, and other territories, to suggest the expediency of adopting a similar policy in regard to Italy. I thought that the state of things which prevailed in that country could not last, and that as long as it did last it would be a source of danger to Europe. Count Buol then agreed that the Austrian and French troops should be removed as soon as it could be done with a due regard to the tranquillity of the Papal States and the consolidation of the authority of the Holy See. My Lords, three years have now passed without any effect having been given to that Resolution; whereas I believe that if that arrangement had been carried out with foresight and in a becoming spirit most of the present complications would never have ensued. Her Majesty's Government could do no more than press the views which they held on this subject on the notice of the Governments concerned; and even if we had had diplomatic relations with Rome any representations of ours would have been disregarded. Some six or seven weeks ago, however, we were told that the Pope had, of his own accord, requested the withdrawal of those foreign forces, stating that he was able to dispense with them; but how that request was made—in what form it was presented, in what mannner it was received, how it was acted upon, or why the French and Austrian troops still remain just where they were, we are entirely in the dark. I have been informed that the Austrian Government expressed the greatest readiness to comply with our request—that two battalions of Austrian troops actually left Bologna, and that the rest of the garrison would have quitted in a few days, when, somehow or other, something occurred to put an end to their removal. I believe that with proper precautions for maintaining tranquillity those troops might with safety be withdrawn. I believe that all persons of influence in the central States of Italy have a great dread of revolution and a great desire to arrive at a better system of government by peaceful and legitimate means. I believe that the bubble of Italian unity has burst. I believe that the partisans of Mazzini and their detestable doctrines are extinguished. I believe that there is no longer any faith in republican institutions; but that, as my noble Friend says, the example of the Sardinian Government has not been without its beneficial influence by proving that liberty and monarchy are not incompatible. If, as we have a right to expect, the Treaty of 1815 is to be maintained—if Austria is prepared to withdraw her forces from the Papal States—if, alive to the inconvenience of those exclusive treaties—and the just cause of complaint which they furnish —if Austria is prepared to make all such concessions as will not be dishonourable or humiliating to her—we might ask, in the first place, where is the necessity even for a Congress? Still more might we ask, where has been the necessity for those great military preparations which for three months have kept Europe in a state of anxious suspense, have put a stop to all commercial enterprise, and have already inflicted incalculable losses upon the countries engaged in them? And with still greater reason might we ask where is the ground and where is the pretext for war? My Lords, war may desolate Italy; but it will not settle what is called "the Italian Question." The country may be laid waste, the fiercest passions may be called into action, all those parties described by my noble Friend may join in the affray; it is possible that after a time the Austrians may be driven out of Lombardy; Tuscany, Parma, Modena, and Lombardy may be annexed to Piedmont; but I believe that such an arrangement would soon prove more distasteful to the Lombards than even their union with Austria. There is no affinity between the Lombards and Piedmontese—not even that of language—and I cannot believe that the proud aristocracy of Milan and Venice would approve of becoming dependents of Piedmont, having Turin for their capital, and sending deputies to the Piedmontese Parliament, any more than the Piedmontese would like to be dependents of Lombardy, and to have Milan or Venice for their capital. Great dissensions would arise which might endanger the liberties of Piedmont, who might find, too late, that she had been no more than the pioneer and advanced guard of France, and that in grasping at the shadow of power she had sacrificed the substance of liberty. It had been said that an attempt should be made to unite all the minor States of Italy into one confederation; but that must be the act of the victor—that would be the act of France; and whether the Prince were native or French who was elected to reign over them, he would require the support of the French army. And so, also, would the Pope, for all his subjects to a man will rebel, in the event of a war, unless they are kept under by a force far superior to any that France has hitherto kept in Rome. There would be then the substitution of one foreign domination for another; and the position of France would be more onerous and untenable than it is now, as she would soon learn—for there can be no greater mistake than to suppose that even among the bitterest enemies of Austria there is any other feeling than that an armed French intervention in Italian affairs is an evil of the greatest magnitude. French domination would be as odious as Austrian. The congress could perform no more useful task than to establish the principle of non-interference—the principle of letting the Italian States alone. I think they are as well educated, as intelligent, as civilized, and as capable of understanding their own interests and conducting their own affairs as any other nation in Europe. In the Treaty of Paris you will find it stipulated that there shall exist no separate right of interference in the affairs of the Danubian Principalities, and that even in the event of the disturbance of tranquillity there shall be no armed intervention, except with the previous assent of all the allies. If my noble Friend, by his eloquence and arguments, can persuade the Powers about to meet—the same Powers which secured to the Moldo-Wallachian provinces this immunity—to agree to place the Italian States upon the same footing, he will have performed a service of the greatest value to all Europe. I have only further to say, that I hope my noble Friend will carry with him all the strength and the moral support of this country, which he will need in what I fear he will find a difficult task, and I can assure him that nothing shall fall from me to embarrass him or to rob him of that support. My noble Friend's services have lately been made use of to a certain extent for party purposes by his friends, but he himself is the last man to think himself indispensable to the peace of Europe. Probably he will agree with me that the indispensable man has yet to be born; but certainly the injudicious ardour of his Friends has not a little increased his responsibility and exposed him to harsh criticism, in which, I can assure him, I am not at all disposed to join. My noble Friend's task will be an arduous one; but I can say for myself, and for those who sit behind me, that no spirit of party shall prevent our making the fullest and fairest allowance for all the difficulties with which he may have to contend, or shall damp the satisfaction with which we shall learn that success has crowned his efforts.

THE EARL OF DERBY: My Lords, I feel it my duty, and it affords me great satisfaction, to bear my cordial testimony to the very fair, and candid, and impartial statement that has just fallen from the noble Earl. I must also join in the tenor of the commendation with which he commenced his observations on the course which has been generally pursued, the abstinence from raising irritating questions under circumstances of such extreme difficulty, and the great danger and jeopardy that might ensue, not only from bringing forward any question or raising any discussion that might tend to throw imputations on Her Majesty's Government, and that might in the slightest degree tend to diminish the chance of preserving the peace of Europe. But, my Lords, not only do I return my grateful thanks on the part of my noble Friend in the first instance, and to Parliament generally, for the wise and cautious abstinence that has been observed upon this subject, and also to my noble Friend for the speech that has just been delivered, but I wish to state my firm, my entire conviction, that if there be yet—as I hope there is—a chance or a hope for the maintenance of the peace of Europe, that chiefest chance and that best of hope is to be found in the conviction impressed upon all the nations of Europe, that with regard to the main principles embodied in this great question, there is no difference of opinion between any of the English parties; and, therefore, my Lords, it was with hegreatest gratification that I listened to the speech of the noble Earl, and that I failed to detect in his speech from the beginning to the end a single principle laid down, or a single sentiment expressed to which I do not give my hearty, my unhesitating adhesion. And, my Lords, it is to Her Majesty's Government a source of the highest satisfaction to know that authorities so high as my noble Friend and those who sit around him, are agreed not only on the main principles laid down by my noble Friend and by Her Majesty's Government, and that they entirely concur in their objects and consider them as the principles on which only a satisfactory arrangement can be based. My noble Friend has acquitted Her Majesty's Government of any intention of desiring in the Congress about to take place—if it do take place—to introduce any doubt of the maintenance of the treaties of 1815. Now, not only can there be no doubt as to the intention of Her Majesty's Government and of their feeling of the indispensable obligation to maintain those treaties, but I think my noble Friend opposite will recollect, that on laying down the four bases on which the subject was to be discussed in the Congress, my noble Friend stated that he had laid down on the part of Her Majesty's Government not only the four bases which were to be the subject of general discussion, but that there was also a fifth basis or principle which was to be a *sine qua non* prior to the Congress entering into a discussion at all; and that fifth provision was this, that Her Majesty's Government would require, as a condition of the acceptance of the Russian proposal, that it should be distinctly understood that the Congress would not entertain any question of interference with the actual state of territorial position in Italy, or in any way disturb the treaties of 1815. And I think that it was impossible for language to lay down more distinctly and positively, not only what was the feeling and intention of Her Majesty's Government, not only that we relied upon it as a *sine qua non*, for the acceptance of the Congress, but also that the principle so laid down was assented to by all the Four Great Powers who are invited to be members of the Congress. I think that the adoption or assumption of that principle is a declaration that that principle was a *sine qua non* at the Congress, and that on that principle alone could any great step be taken, or any great progress made towards the maintenance of peace. I do not understand that my noble Friend objects in the slightest degree to the various points laid down as the bases for consideration in Congress. He has raised, indeed, some questions as to the time at which it might be desirable, and as to the way in which it might be possible, to carry out the principle of disarmament; but as regards the principle of disarmament generally, he concurs in the propriety of it, not as a preliminary, but as an indispensable guarantee for the maintenance of peace. He concurs entirely in the expediency and propriety of stipulating for the evacuation of the Roman States by foreign armies, by the recommendation rather than by the compulsion of the great moral authority that attaches to a Congress of great States and Powers. He agrees in the desirableness of effecting reforms in the States of Central Italy; in the doing away with the abuses that engender discontent, and that are calculated to superinduce disorder; and lastly, he lays considerable stress on a revision of the treaties between Austria and the Duchies, and the confederacy of minor States in Italy. My Lords, I trust that this will go forth to the world, and that it will not be liable to be misconstrued or controverted, that we regard the maintenance of the treaties of 1815, as a *sine qua non* of Congress. We further urged the four principal bases on which the Congress is to enter on its labours as of primary importance; and these four bases have been recognized, as I am happy to say they were expected to be recognized, as just, fair, and reasonable, by the Powers themselves, and by the unanimous assent of both sides of this House, as I have no doubt they also will be by the other House of Parliament. I will not profess or pretend to vindicate the precise course that has been pursued by Her Majesty's Government, or say whether, or upon any or on every occasion, we have taken the exact course that was most likely to effect the object we had in view; but this I will venture to say, that the course that we have taken from the commencement has been one that in our view has tended with the greatest probability of success to secure the single object we desiderated and had in view—namely, the prevention of the outbreak of war in Europe, the results of which no prudence can prevent and no sagacity foresee. I believe, undoubtedly, with my noble Friend (the Earl of Clarendon), that there would have been a better chance of arriving at an early and satisfactory settlement if the original proposition made by Her Majesty's Government had been acceded to, and if the great question of mediation had been left in the able hands of Lord Cowley; because, during the short time that Lord Cowley—I can hardly say was conducting negotiations—but was engaged in communications, he had actually succeeded in laying down the bases of communication upon which both France and Austria were prepared to treat, and which both parties would admit to be bases for a satisfactory settlement of the differences and difficulties; and I have no doubt but that, with the best intentions, subsequently, or rather contemporaneously, the offer made by Russia of a general Congress of the great Powers tended to introduce these difficulties, which have been found to retard agreement, and in point of fact, that the proposition for a Congress, although it was impossible for Her Majesty's Government to reform it when once made, is really a less likely and speedy mode of settling the difficulties of Europe, than had the matter been left to Lord Cowley, whose ability would be trusted alike by England, Austria, and France. My noble Friend has stated that supposing all parties to be sincere in their desire, it is difficult to account for the state of Europe at the present moment; and I concur with him in that, because it has been shown that if the treaties of 1815 are to be maintained, and if the questions that alone occasion any ostensible cause of difficulties and differences are agreed to by the great Powers principally concerned in the proposed amicable Conference for the settlement of affairs—it is, undoubtedly, difficult to account for those enormous armaments and those stupendous preparations which are being made more or less ostentatiously, and which augur immediate and formidable hostilities. My Lords, I must say—and it shows how careful we ought to be in words and expressions, particularly when they come from persons in high places—I attribute much of the distrust, much of the anxiety, and the military preparation that has supervened, to those unfortunate words that fell from the King of Sardinia when opening the Sardinian Legislature. The moment, my Lords, the King of Sardinia, stepping out of his legitimate course of watching over the prosperity and welfare of his own people, of consolidating their liberties, upholding their interests, and confirming their prosperity, so as thereby to secure to himself and the country over which he swayed the sceptre, the approbation and support of all the nations of the Continent, and more especially of this country, and of all those nations that have at heart the cause of peace and freedom—

when, my Lords, stepping out of his allotted and most honourable station, the King of Sardinia supposed that a cry of anguish came forth from Italy, and assumed that to that cry of anguish Sardinia could not be indifferent; when in the Senate of Sardinia allusion was made to the discontent that prevailed throughout the Lombardo-Venetian provinces, and the occupation of Piacenza — by Austria was treated as a standing menace to the security of Europe —when all these statements and allusions were made, tending undoubtedly to show that an outbreak in the Lombardo-Venetian territories, if not actually stimulated, would not be discouraged by Piedmont, but would be looked upon rather as the legitimate expression of national feeling, in which the sympathies and even more than the mere moral aid of Piedmont might be brought advantageously to bear—when, my Lords, such statements were made it can hardly be considered unnatural for her own protection and the maintenance of her own territories as well as the order of those districts that Austria should feel herself dissatisfied, and that preparations should be made on a larger and more extensive scale. And I am bound to say, also, that, so far as language could go, the declarations of Austria from first to last have been uniform and constant—namely, that so long as Sardinia confined herself within her own territories, and did not interfere with those obligations by which Austria was bound, in that case Sardinia had no reason to apprehend any attack from her; and that the Cabinet of Vienna was not unwilling, but would rather esteem it a friendly act, that France and England, if France was so disposed, should enter into an understanding to guarantee Sardinia against all risk of Austrian invasion. I concur in the observations made by my noble Friend opposite as to the injurious character of these treaties, not only to Italy but to Austria itself, into which Austria has entered with many of the Italian States; but notwithstanding that, however unwise, however ill-advised, however injurious to the interests of Austria, these treaties giving her no right to enter as an independent governing Power, I think they are injudicious, and promotive of the danger of war, rather than affording assurance of pacification and protection. I think it would be wise if they were abandoned by Austria; and I believe that if Lord Cowley's mediation had been permitted to have gone on, these treaties would to a great extent have been abrogated, or some substitution for them found; and that in that way one of the great difficulties of the Italian question would have been safely and satisfactorily overcome. My Lords, again I say, with regard to the occupation of the Roman States, that is a point which by universal consent was a matter that may fairly be left to the deliberation of the Congress, and, subsequent to these deliberations, to the concert and understanding of France and Austria themselves; at all events, the principle having been adopted under the advice of the Congress, the execution of it might have been safely left to the three parties principally concerned—namely, Austria, France, and the Pope. I must say, however, that this history of the negotiations relative to the evacuation of the Roman States is somewhat veiled in mystery. It has been stated that a demand was made by the Holy See, and no doubt it was, for the immediate withdrawal of these troops from the Roman territories; and my noble Friend has stated that a move had already taken place on the part of Austria. I know not under what circumstances it has happened that no further progress has been made in that movement. At the same time I think it right and fair to say I do not believe that the immediate withdrawal of the troops of France and Austria could have been effected without running a serious risk of disastrous consequences—consequences disastrous to Rome and to the whole of the Italian States. But I think it was most important that—the principle of evacuation having been laid down—that that evacuation should take place, that it should take place within a given time, and that those reforms and proper precautions should be taken on the part of the Papal Government itself as to enable it to be done safely and consistently with the interest of the world at large. I will not detain your Lordships longer by entering into a consideration of the various negotiations and the various measures taken for the purpose of ensuring a settlement of this momentous question by our own and other mediation, or the anxiety felt by Her Majesty's Government for a settlement at the coming Congress of this difficult and perplexing question. My Lords, I think the time has now nearly approached when it must be finally and definitely settled whether the Congress is to meet at all, or whether a peaceful solution of this question be possible; and, my Lords, I say that it would neither be for the honour nor for the interest of this country that these negotiations and these preliminary discussions as to the specific form of the Congress should long be protracted. I think, my Lords, the time has come, or that it has nearly come, when England—which, indeed, has made one more effort and one more proposition, which it is not fitting for me at the present moment to lay before your Lordships—but I think the time is closely approximating when England should say, the period has gone by for trifling, and the period has come when, having exhausted all her friendly and disinterested offices—when, having left no means untried which, in the opinion of Government and with the approval of Parliament, were calculated to secure the blessings of a permanent peace—England must, however reluctantly, withdraw from all interference in affairs in which she no longer hopes that her interference will be useful to the public interest or consistent with her own dignity, and that she must then reserve herself, as she has reserved herself up to this moment, absolute and entire freedom to take such steps and to pursue such a policy as she may hereafter think fit. My noble Friend has pointed out the danger and the lamentable consequences that must arise if this war does break out—the consequences that must fall and be inflicted upon Italy, whatever the ultimate result, and whoever is first to draw the sword or secure the ascendancy; but he has, I think, my Lords, underrated the magnitude of the danger if he confines the probability of the operation or the calamitous consequences or such a war to the Lombardo-Venetian provinces, or to its localisation in Italy alone. If this war unhappily breaks out, Italy will be the central point or platform of a war of the most sanguinary description, because it will be a war of principle and of passion. It will not be a war between two great nations contending for some definite and ambitious object, but it will be a struggle that will excite the most conflicting principles and develope the most violent passions, and of which, as regards the future fate of Italy, no satisfactory solution can be foreseen. But, my Lords, it will do far more—for, war once broken out in Italy, it is hopeless to imagine that it will be confined within the compass of that peninsula. Other passions will be aroused, other conflicting nationalities will arise, and other nations be called on to interfere in the conflict; and war once originated in Italy would at no distant period extend throughout its centre and to its frontiers, and wrap the whole of Europe in one general conflagration. It would not, my Lords, be difficult to trace the steps, nor would it be wise to do so, by which such an extension would necessarily come; but I will only say that even for this country it would be impossible to look with total indifference at any alteration of the occupation of the shores of the Adriatic. Our interest and power on the waters of the Mediterranean, and the possible consequences of any such catastrophe are such as would require the most careful vigilance and the most earnest attention on our part to guard against any possible contingency from the side of any Power whatever. It is quite obvious that it requires but very little stepping out of the limits precisely defined of Italy itself to bring, under the strictest and highest obligations of treaty, the whole of the Germanic Confederation within the circle of the contest. Germany brought into the field, what becomes of Belgium? what becomes of Switzerland? what becomes generally of the state of the political relations and the warlike attitude of the other Powers of Europe? War, my Lords, once begun in Italy, cannot be confined to Italy; and once spread beyond the limits of Italy it is impossible to foresee who will be drawn into it, how far it may extend, or what will be the result. This country is deeply interested in the maintenance of peace; this country is prepared to make many sacrifices for the maintenance of peace; but, the interest of this country being perpetuating peace, she cannot assume a position that would leave her in a helpless and defenceless condition; and if war break out, whatever may be the consequences, it is indispensable and necessary that as long as our neutrality shall last it must be to a certain extent an armed neutrality, enabling us, in any case, to take our part, on which side soever it may be, that honour, and justice, and dignity require us to take. That, my Lords, is the course that I hope her Majesty's Government will be supported in taking by the unanimous opinion of the Parliament and people of this country; for I am quite certain I am expressing that which is the sound and only rational policy this country can pursue. God grant, my Lords, that the necessity may be spared us of entering on so dangerous a path and policy! God grant that in the collective councils of Europe there may yet prevail a tone of greater moderation, greater wisdom, and greater temper; and that those clouds that at present lower as though heralding a storm time, may pass by and pass away in an unbroken calm. Of this I am sure, that the maintenance of peace depends in a great measure on the unanimous assent of Parliament to the principles laid down, and to the sentiments so eloquently expressed on either side of the House; and I am quite sure, also, that the maintenance of peace will be materially strengthened and supported by the knowledge throughout Europe at large that this country will not be allowed to remain a helpless or a feeble spectator of events that may compromise her dignity and her honour; and that a serious responsibility will rest on the head of that Power, whichever it may be, that without due provocation, and without the most urgent and imperative necessity, merely to gratify its own ambitious aims, precipitates the evils, the dangers, and the crimes of war.

THE METROPOLITAN BOARD OF WORKS.

QUESTION.

The Marquess of CLANRICARDE moved, that there be laid before the House Copies of any Correspondence that may have taken place between the Metropolitan Commissioners of Sewers and Her Majesty's Government relating to the erection of an Office for the use of the Commissioners upon the site of Berkeley House, together with the Plans of the proposed Office and the Passage from St. James's Park to Trafalgar Square; also for Copy of the Lease or other Tenure of the abovenamed Site granted to the Commissioners. The noble Marquess said that he feared that the erection of an expensive building at that spot might interfere with future metropolitan improvements.

The Earl of DERBY said, that there was no objection to lay the plans and documents referred to on the table. An engagement had been entered into by the Woods and Works, and had been sanctioned by the Treasury, for granting a lease of Berkeley House for ninety-nine years to the Metropolitan Board for the erection of suitable premises for their use on the site. The improvement referred to by the noble Marquess he understood to be an entrance into the Park from St. James's Square, but that would not be interfered with; and, indeed, one of the conditions made with the Board was that the existing footway should be considerably widened. The premises were to be let for ninety-nine years, for a portion of the time at £500 a year, and for the remainder at £3,50 and the Metropolitan Board was to erect premises worth £15,000.

The Marquess of CLANRICARDE was afraid that that was the *minimum* expense.

The Earl of DERBY: That was a question which the Metropolitan Board and the ratepayers must settle between them.

Lord REDESDALE asked, whether the erection of the new building would interfere with the continuation of Carlton Terrace?

The Earl of DERBY could not conceive that it would, but this would best appear when the plans were produced.

Lord MONTEAGLE made some observations upon the expenditure of money for the erection of premises in Spring Gardens as being unnecessary, because the Board of Works had already sufficient space in another part of the town.

THE CLOCK OF THE NEW PALACE AT WESTMINSTER.

Lord CAMPBELL wished again to draw the attention of the Government to the state of the clock in the clock-tower Palace of Westminster. Since he had last spoken on the subject, the hands had only moved five minutes; previously it wanted ten minutes to the hour, whilst now it only wanted five. He did not think this rate of progress very satisfactory.

The Earl of DERBY said, the noble and learned Lord had on a previous occasion informed them that he would bring this question before the next Parliament. The parties who had this business in hand were very difficult to deal with; but he did hope that before Parliament met again the *vis inertiæ* of the clock would have been overcome, and that the noble and learned Lord might find himself in possession of what seemed to be one of the dearest wishes of his heart.

THE INDIAN ARMY—PRIZE PROPERTY.

QUESTION.

The Earl of ELLENBOROUGH asked Whether Her Majesty's Government has adopted measures for placing the Army in India in possession of Prize Property. In putting the Question he thought it desirable to explain the peculiar position in which the Prize Property arising from the present war stood. The property captured might be divided into two classes—that which might fairly be called booty taken in war; and that which was the result of forfeiture by reason of the treason of its owners. Now if he apprehended that a very small portion of the property in the possession of the prize-agents could be called "booty" in the usual acceptation of the term; and if the donation to the army was to consist merely of that portion of the captured property which came strictly within the term it would be very inconsiderable and totally inadequate to the purpose. That which might more properly be called forfeiture was much more considerable; but the claim of the army to this was not so clear as its claim to the former. The property for instance taken at Delhi and a great deal of that taken at Lucknow was booty, having been taken in war from the public enemy; but he doubted very much whether the Begum and others in a similar position would be held by jurists to be public enemies. These matters must be considered by the Government before they came to any conclusion, and he earnestly hoped that the Government would come to an early decision.. Nothing could be so inconvenient as to defer the grant of that to which the army considered itself entitled. To that army we owed the empire of India. In the course of eighteen months that army had re-conquered an empire which it took their glorious predecessors 100 years to acquire. It was to their exertions that we owed the possession of India, and he thought that the time had come when the Crown should grant to the army some material mark of favour for the benefits received.

The Earl of DERBY: I quite agree with my noble Friend, not only in the merited eulogium which he has passed upon the gallantry and services of the army in India, but also in the opinion he has expressed, that rewards of this kind lose a great deal of their value if they are not speedily as well as cheerfully bestowed. I therefore extremely regret that it is not in my power to give him so satisfactory an answer as I could wish. The circumstances of the various captures are so exceedingly different, that it would be very difficult, if not impossible, to lay down any positive rule applicable to them all. But, with regard to the capture of Delhi, the Indian Government have laid down certain regulations which were acquiesced in by the late Court of Directors. They excepted, in the first place, from that which properly belonged to the troops the recovery of any stores or Government property which had been previously seized by the rebels, and they further excepted from that which might be regarded as prize any private property to which the claims of individual owners could be fairly recognized. As to the rest, the commanding officers were directed to appoint committees to examine what the amount of prize collected had been, and to make a return of the total amount under different heads that might be properly appropriated to the army, or which either belonged to the State or to private individuals. The principle laid down by the Governor General was, as I have said, acquiesced in by the late Court of Directors, who as long ago as July, 1858, sent out their approval of it, accompanied by a request that a return might be forwarded to this country with the least possible delay, stating the sums which might be legitimately distributed among the troops, in order that no time might be lost in obtaining the authorization of the Crown to the distribution. To that despatch of July last I regret to say that up to the present moment no answer whatever has been received at the India House. As to the question raised with regard to the captures at other places, such as Kandeish, Kotah, and above all Lucknow, they are still under consideration by the Indian Government, and no decision has yet been arrived at upon the principle on which the distribution should proceed. But I can assure my noble Friend that no time shall be lost in urging upon the Government of India the necessity of hastening their operations, and of forwarding us the earliest information, so as to enable us to satisfy the just expectations of the army in this matter.

House adjourned at half-past Seven o'clock
till To-morrow, a quarter
before Two o'clock.

HOUSE OF COMMONS,

Monday, April 18, 1859.

ABERDEEN UNIVERSITIES.

QUESTION.

Mr. SOTHERON ESTCOURT said, he perceived that the hon. and gallant Member for Aberdeen had a Notice on the Paper of a Motion for the production of certain Papers connected with the Commission in reference to the union of the two Universities and Colleges of Aberdeen; he would beg to ask the hon. and gallant Member to refrain from making that Motion in the absence of the Lord Advocate. In the meantime he undertook that no act should be done founded on the Report of the Commissioners, until the new Parliament met.

Colonel SYKES said, that under the circumstances, and in consequence of the pledge now given by the right hon. Gentleman, he should acquesce in the request made to him.

THE REFORMATORY HULK "AKBAR."

QUESTION.

Mr. BRISCOE said, he would beg to ask the Secretary of State for the Home Department if he can give any information concerning the death of a boy named Joseph Marsden, which is reported to have been caused or accelerated by cruel usage at the Reformatory Hulk *Akbar* at Birkenhead?

Mr. SOTHERON ESTCOURT said, he was glad that his hon. Friend had, by his question, afforded him an opportunity of correcting the misapprehensions which existed on this subject. A rumour had been circulated that a boy on board the Reformatory Hulk *Akbar* had been flogged to death. At his (Mr. Sotheron Estcourt's) request, Mr. Sydney Turner, one of the Inspectors of the Reformatories, had attended the investigation before the coroner, and had made inquiries into the case, and he conceived the best plan, perhaps, would be to read the Report he had received from that Gentleman. Mr. Turner said,

> "I beg to report, for the information of Mr. Secretary Sotheron Estcourt, that I was apprized by the Superintendent of the *Akbar* School Ship Reformatory, at Liverpool, of the sudden death of a boy named Joseph Marsden, under detention in that institution, and was informed by him that great excitement prevailed in connection with the event among the inhabitants of that part of Birkenhead which the ship is near, in consequence of the statements circulated and published in the newspapers that the boy had died in consequence of ill-usage, having been, as it was asserted, 'flogged to death.' I attended the adjourned inquest at Birkenhead, on Tuesday last, the 12th instant, in consequence, and have the honour to enclose herewith a full and correct report of the evidence given on the occasion and the verdict agreed to. From these it will be seen that the officers of the *Akbar* are fully exonerated from all blame in the matter, the boy's death resulting from natural causes, and nothing whatever of cruelty or ill-usage having been exercised towards him. The truth appears to be that the lad had been for some years a tramp and in the habit of feigning fits, lameness, &c., and that he had acquired a singular power of simulating an almost total suspension of circulation, respiration, &c., and that on this occasion he carried on the deception too long, producing a collapse of system which no remedies could recover him from."

He (Mr. Estcourt) would not trouble the House with a reference to the evidence given at the inquest, but from having perused that evidence he could state that the opinion expressed by Mr. Turner was strictly in accordance with the facts elicited on oath before the coroner. The body of the boy exhibited no marks of violence after death, nor did a *post mortem* examination afford any trace of the cause of death externally or internally. He could not doubt the correctness of the opinion expressed by the inspector—that the boy having been accustomed to simulate a suspension of circulation had carried on his deception too long, and death had ensued.

THE CASE OF LIEUTENANT COLONEL DICKSON.—QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary of State for War whether it is his intention to recommend Her Majesty to reinstate Lieutenant Colonel Dickson, late of the Tower Hamlets Militia, after the Verdict obtained by that Officer in the Court of Queen's Bench against the Colonel of that Regiment?

General PEEL, who was very indistinctly heard, said the grounds upon which he had recommended the removal of Lieutenant Colonel Dickson were purely of a military character, arising out of circumstances connected with the affairs of the Regiment for which Colonel Dickson as commanding officer was responsible. Colonel Dickson was not tried by Court Martial, and had not, therefore, an opportunity of rebutting the charges made against him before such a tribunal, but he should think him fully entitled to any advantage he might derive from the verdict he had gained in the Court of Queen's Bench. As far, however, as the evidence taken in the course of that trial related to the military aspect of the question, the opinions expressed by his Royal Highness the Commander-in-Chief, the Adjutant General, and other Military Officers, only confirmed the view he (General Peel) had taken. He had not the slightest doubt that the Jury had done their duty; he was quite certain he had done his; and he had no intention to recommend Her Majesty to reinstate Lieutenant Colonel Dickson.

MR. T. DUNCOMBE said that if he had the honour of a seat in the next Parliament he would move for the appointment of a Select Committee to inquire into the conduct of the right hon. and gallant General and the Horse Guards with reference to Colonel Dickson, and also into the conduct of one of the Officers who was a Member of the Board of Inquiry subsequent to the proceedings of that Board, and during the trial to which he had referred.

THE MEDICAL OFFICERS IN THE NAVY.

SIR EDWARD GROGAN said, some time ago a memorial was presented to the First Lord of the Admiralty with regard to the position of the Medical Officers in the Navy. The right hon. Baronet (Sir J. Pakington) had promised on several occasions to state what were his intentions in the matter, and as Parliament is on the eve of dissolution, he wished to learn from the right hon. Gentleman whether he will grant the prayer of the Memorialists, and, if so, when their wishes are likely to be carried into effect.

SIR JOHN PAKINGTON said that the question raised by the Memorial had been determined in favour of the Medical Officers, and it now only remained to obtain the consent of the Treasury. He was in hopes that in the Council to be held on Saturday next that arrangements would be finally concluded for placing the Medical Officers of the Navy in a position of equality with those of the Army. It was, however, possible that an Order in Council might not be made then, but in the event of its not being so made, it would undoubtedly be issued at the next general Council, whenever that should take place.

THE STATE OF EUROPE—THE ITALIAN QUESTION—OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER, having brought up to the table, by command of Her Majesty, copies of treaties political and territorial, relative to the Italian States, said,—Sir, in moving that these papers be laid upon the table I shall redeem the pledge I have given to the House, and shall afford an opportunity to hon. Gentlemen who may follow me to make any observations they may wish on this subject, and I am sure that in so doing they will make those remarks with all the reserve that is in their opinion consistent with the exercise of a public duty. I promised, Sir, that I would to-day place before the House the state of the negotiations which are now being carried on by Her Majesty's Government respecting the affairs of Italy. I think it was towards the close of the last year that Her Majesty's Government became aware that there was a considerable sense of irritation between France and Austria. Her Majesty's Government instructed the Queen's Ministers at the Courts of Paris and Vienna to take every practicable opportunity to soften that acerbity of feeling, and to remove the misconception that existed between those two Powers. At the beginning of the year—indeed on the very first day of the year—circumstances occurred which I am sure are fresh in the recollection of the House, which rendered that misunderstanding between France and Austria a matter of public notoriety. Her Majesty's Government then felt that they were placed in a position which entitled them to ask for more direct explanations than previously they had thought themselves authorized to demand. France was an intimate ally of this country, with whom we were acting with cordiality on many important questions, and between Austria and England a good understanding had existed from an ancient date, and founded on feelings of deep and cordial sympathy. It appeared to us, therefore, that it was an occasion when her Majesty might interfere and the exercise of her influence and her good offices might tend to maintain that general peace in which the world at large is so much interested. Our position was at that moment, and, indeed, is at present, very favourable to an undertaking of the kind. I think, Sir, at the beginning of this year we may say that which perhaps in the nature of things it has very rarely been in the power of any Minister to say—I do not claim any merit to the Government for it, but it is the fact—that neither with the Powers of the first class nor with the Powers of the second class, nor, indeed, with any portion of the political and monarchical hierarchy, was there any misunderstanding with this country. There was, Sir, I repeat, no question of controversy with any of the Powers of Europe existing at that moment, and therefore our position was one extremely favourable to our assuming the part of mediator. Under these circumstances, Sir, the Queen's Ambassador at Paris and Her Minister at Vienna received instructions to inform themselves to the utmost of their ability as to the actual character of the views and feelings both of

France and Austria, and as to what were the probable motives of that general want of cordiality which had too evidently arisen between those two great powers. Several causes were supposed to be in existence which contributed to that unfortunate misunderstanding. What was occurring on the Danube, and other causes, were alleged, but some of these were happily removed and redressed by diplomatic management, and I think it soon became very evident that the real and more permanent cause of misapprehension was to be found in the unsatisfactory state of Italy. Her Majesty's Government accordingly instructed Earl Cowley to take all possible means for ascertaining the views of the Emperor of the French upon that subject; and Earl Cowley, who was responded to with the same frankness which he himself exhibited informed us that he believed he was in possession of the general views and feelings of the Emperor of the French upon the position of affairs in Italy. Now, I may perhaps be allowed to make an observation upon what were the views of Her Majesty's Government at that time upon that question. I believe I may say that, generally speaking those views were such as have always been expressed in this and the other House of Parliament by eminent statesmen of all schools and parties. We could not for a moment maintain that the general condition of Italy was a satisfactory one. Her Majesty's Government, during the Conferences of Paris, had assented to the propriety of inquiring into the causes of the discontent which then prevailed in some parts of Italy. We were of opinion—an opinion shared in, I should think, by all persons who have deeply reflected upon this subject—that it would be most unwise to disturb the settlement which had been made by the treaties of 1815. The position which Austria took in Italy at the time of the settlement in 1815 was rather recommended to her by the great statesmen upon whom then devolved the settlement of Europe, than sought by Austria herself. It was said then to be a matter of very great importance in the maintenance of the balance of power throughout Europe that Austria should exercise a preponderating influence in Italy. It was also then considered that the kingdom of Sardinia, which during the revolutionary struggles had not shown the power which was thought expedient, should be extended, and that her strength and authority should not only be confirmed, but greatly increased. These were the two principal objects of the settlement of 1815, so far as Italy is concerned; nor is there any greater error than to suppose that when we speak of the settlement of 1815 with respect to Italy, it is the interest of Austria that alone is concerned. Before that settlement of 1815 Sardinia herself was comparatively a Power of very inferior magnitude. It was the settlement of 1815 that added greatly to the territory of Sardinia, and to her purely Italian character, and converted her into, so far as Italy is concerned, a power of considerable importance. But it was impossible for us to deny, nor did we wish to deny, that the occupation of the central States of Italy by a foreign army, and the exercise of Austrian influence over States which were acknowledged to be independent by the Congress of Vienna, and by the Act of that Congress, was a condition of things extremely unsatisfactory, and one which it was desirable should be mitigated, and, if possible, removed. Generally speaking, however, whatever changes we thought desirable in Italy, it was our opinion that it was not wise to seek the removal of the evils complained of by war and by revolution, but rather by the influence of public opinion, which every year is becoming more powerful, and by the good offices of those Sovereigns whose general influence in Europe enabled them to make their advice effective. Earl Cowley having been apprised by the Government of the views upon which I have touched, and having reported that his interviews and conversation with the Emperor of the French were satisfactory, we requested him to repair to London, where we had the advantage of conferring with him, and shortly afterwards Her Majesty directed that he should proceed to Vienna. Earl Cowley did not go to Vienna in what is called an official capacity, and he did not receive formal instructions, but he had conferred amply with Her Majesty's Government, and the object of his mission was that having been placed in possession—and that he had been there is no doubt—of the intentions and views of the Emperor of the French, he should ascertain how far it was practicable for Austria to meet the policy indicated by the Emperor, and in so meeting it lay the basis of a settlement for Italy more satisfactory than the existing one, and more tending to the preservation of peace. I ought to have observed that before Earl Cowley undertook that,duty as it was considered that it might lead to some misunderstanding if the Emperor of the French found the Ambassador accredited to his own Court selected on a mission of this kind, a communication was made to his Imperial Majesty on the subject; and I am bound to say that the Emperor approved with the utmost cordiality of the choice we had made in Earl Cowley, as one who entirely possessed his views on the subject, and who was likely also to possess the confidence of the Court of Vienna. Now, Sir, I believe I am using expressions which are perfectly justified when I say that the mission of Earl Cowley was eminently, and not merely eminently, but entirely, successful. It was a mission of mediation. The Emperor of Austria responded to it in the spirit in which it was originated and conducted; all the points that had been suggested for consideration by the Emperor of the French were candidly and cordially considered: and when Earl Cowley returned to London on his immediate way to Paris there was not a doubt on his mind, or on the mind of the Government, that the mediation had been successful, and that we should be able completely to arrange those points of controversy which had unfortunately arisen with regard to Italy between France and Austria. Before, however, Earl Cowley could arrive at Paris, the Court of St. Petersburg, animated, I make no doubt, by the best feelings—the same feelings which inspired us—namely, the desire to prevent war—had through its Ambassador proposed to the Emperor of the French that these subjects of controversy with respect to Italy should be submitted to the consideration of a Conference. And His Majesty had accepted that proposal, the Congress, according to the suggestion made, to be composed of the five great Powers. Sir, when we were informed of this overture we were at the same time apprized that in due course an official offer of the same kind would be made to Her Majesty's Government. Now, however fortunate we might have been in the scheme of mediation which had been thus far conducted, and so successfully conducted at Vienna, we had to consider what chance we should have of completing those arrangements when another plan, which had the sanction and acceptance of the Emperor of the French, was already, not in intentional rivalry—I don't mean to say that—but in actual emulation with our own. We therefore thought, in order that time, which was precious under such circumstances, should not be lost, that it would be wise to accept the scheme of the Congress, instead of the plan of mediation which we had hitherto promoted; and before the formal proposal of a Congress was made to Her Majesty's Government, we had communicated with the Court of St. Petersburgh, notifying our willingness to agree to the Congress, provided it was formed upon the four conditions with which, I have no doubt, the House, from many sources, may be familiar, but which it is proper I should put authentically before it. Subject to a general condition that the Congress was not to interfere with the settlement of 1815 and which was universally admitted. The four objects on which it was proposed that the Congress should seek to effect were—firstly, the evacuation of the Roman States by foreign troops; secondly, the reform of the administration of the Roman States; thirdly, the best means of preventing a war breaking out between Austria and Sardinia; and, fourthly, the providing a substitute for the separate treaties which had been entered into between Austria and the Central States of Italy. Now, Sir, these four conditions were accepted by France, by Russia, and by Prussia. They were also accepted by Austria with a fifth condition, which was really nothing more than a fair interpretation of the third, which, as I said before, involved the consideration of the best means of preserving peace between Austria and Sardinia. This fifth condition was, I repeat, nothing more than an interpretation of the third, for it simply furnished a definition of of the best means of preserving peace which, in the opinion of Austria, were to be found in the disarmament of Sardinia. Now, when Austria made that proposition to Her Majesty's Government we did not approve of any course being taken which should humiliate Sardinia, which should have that tendency, or which should weaken her power. We said, therefore, that we could not approve a condition which would secure the disarmament of Sardinia as a preliminary to any consideration of the general affairs which would be submitted to the notice of the Congress. But as it was a matter of great importance that this difficulty should be removed, and that the Congress should, if possible, assemble, we offered to France, that if Sardinia should disarm, we and France should guarantee her against any attack from Austria for a certain period, Austria entering into a solemn engagement not to attack Sardinia. That proposition, however, was not accepted. At that moment, therefore, the proposition for a Congress was not accepted by the five great Powers of which it was to be constituted in accordance with the original proposition. Well, we had, under these circumstances, to bring the question again before the Court of Vienna, and Austria, I am bound to say, in that spirit of dignified conciliation which she, upon the whole, exhibited throughout these negotiations, consented to waive the invidious condition of the disarmament of Sardinia, and proposed that there should be a general disarmament of the European Powers. Now, Sir, that was a proposition which was received with favour by Her Majesty's Government, and we submitted it to the Court of the Tuileries. It was just after we had done so, and before we had received any reply on the subject, that the noble Lord the Member for Tiverton gave notice that it was his intention to bring forward the general question of the state of these negotiations, and it was because we had not received the reply that I felt it my duty to ask the noble Lord some few evenings ago not to press the question. Since then an answer has come to us from France, and she has accepted the proposition of Austria that there should be a general disarmament. Whether that general disarmament should take place before the meeting of the Congress, or whether when the Congress meets it should be the first subject taken into its consideration, is a point which is not settled. There are two opinions with respect to it. Austria is in favour of a general disarmament taking place before the assembling of the Congress; France would prefer that, when the Congress met, the question of a general disarmament should be that which should be first brought under discussion. Her Majesty's Government would approve very much of the suggestion of Austria, if all the other Powers were equally favourable to it; but, unfortunately, the proposition of a general disarmament has not as yet been accepted by Sardinia, and therefore it is useless to go into matters of detail when the principle has not been accepted. Whether the disarmament should be entered into before the Congress meets, or whether the condition of a general disarmament should be the first subject discussed by the Congress, are matters which really sink into secondary importance when there is a Power so much interested in those affairs as Sardinia, which has not accepted the very principle of disarmament itself. Now, it is understood that Sardinia has not accepted this principle of disarmament, because she has not been invited to be present in the Congress, and upon that point, Sir, I would, with the permission of the House, make one or two observations. There is no doubt that in this country great sympathy has been enlisted in favour of Sardinia, and notwithstanding there has been some change in the strength of those sentiments as compared with what they were some little time ago, and notwithstanding that there has been much that is embarrassing, perplexing, and even ambiguous, in the conduct of Sardinia, I am bound to say I believe, on the whole, the feeling of this country is not wanting either in justice or kindness towards her. On the part of Her Majesty's Government also, I am quite sure I may state that we are willing and prepared to place the most generous interpretation on her conduct, looking at the difficulties which she has had to encounter and the exploits which she has accomplished. I need not, therefore, say that we have considered the question of the presence of Sardinia at the Congress without prejudice and with no jealous feeling, but I would remind the House, that the proposition to which I have referred, was one for a Congress of the Five Great Powers, and that it was made by a Power supposed to be very favourable to Sardinia, to a Power known to be very friendly to Sardinia. The proposition being such as I have stated it to be, it was difficult to know how Sardinia could appear as a member of the Congress. It has, indeed, been said, that Sardinia was represented at the Congress of Paris, and no doubt that was so. But Sardinia won her place in that Congress by the performance of deeds which reflected great glory and reputation on the people of that country as well as upon her rulers and Ministers. She had taken a very spirited part in the Crimean war. She had made great exertions and endured great sacrifices. She was, therefore, fairly entitled, when the settlement of the struggle in which she was engaged was being completed, to take her place in the council by which that settlement was effected. But in the present instance, hon. Gentlemen will feel in a moment that the difficulty by which we are met cannot be easily surmounted. A Congress is proposed by Powers friendly to Sardinia, and it is to consist of the great Powers of Europe. Sardinia is not a great Power. Is she to attend at the Congress as a secondary Power? If so, what superior claim to any other secondary Power has she to that privilege? Why should Sardinia be represented at the Congress any more than Sweden, or Portugal, or Holland? But then it may be said, that Sardinia is interested as an Italian State, and that as such she is entitled to take part in the proceedings of the Congress. But if Sardinia is to sit in the Congress as an Italian State, surely other Italian States have an equal right to do so. Have they not something more than an equal right? The Congress which it is proposed should meet will have to deal with the interests of other Italian States, but cannot touch Sardinia or her interests. They depend on the settlement of 1815, and Sardinia cannot be influenced in any way by any arrangement that may be recommended by the Congress; for whatever decision it may arrive at can only take the form of a recommendation. There was, in our opinion, a means by which, from the commencement, the sentiments of the Italian States might be consulted without their being members of the Congress. We might have followed the precedent which was pursued in the case of the Conferences which were held in London when Holland and Belgium, although not members of it, appeared before the Conference and stated their opinions. We might have followed the precedent, still more analogous, of the Congress of Laybach, in which the affairs of Italy were taken into consideration by the great Powers, and in which I believe almost all the States of Italy took a part, sometimes sitting in the Congress themselves. This, at all events, I may say, that Her Majesty's Government, so far from opposing the appearance of Sardinia in the Congress if it were practicable, urged on the other great Powers of Europe their desire that the precedents furnished by the Conferences of London and Laybach should be followed, and that means should be found by which the interests and wishes of the Italian States should be set forth and represented by themselves. Well, this is the condition of affairs. I have now stated the facts of the case to the House. I have pointed out what has been the course of these negotiations. I have shown the House that the original scheme of Her Majesty's Government was that of mediation between France and Austria. I have also shown that there was every prospect that that mediation would be successful, and how, in consequence of a counter proposition, it assumed the form of an intended Congress. I have pointed out to the House that her Majesty's Government have done everything in their power to facilitate the assembling of that Congress, and to bring about a satisfactory state of affairs. We are, therefore, Sir, in this condition at the present moment:—France and Austria have alike accepted the principle of a general disarmament, although, on the immediate manner in which that disarmament should be carried into effect they are not absolutely agreed. Sardinia has not agreed to the disarmament, on account, it is understood, of her not having been summoned in person to the Congress. It might be hoped, under these circumstances, that the difficulty on the part of Sardinia would, at least, not prove insurmountable; and I have the satisfaction to inform the House that this morning the Marquis d'Azeglio arrived in this country on a special mission from Turin. He has had an interview with my noble Friend the Secretary of State for Foreign Affairs already, and I augur from it beneficial effects. The Sardinian Minister is a man of enlightened and temperate opinions, and I cannot but believe that under his guidance Sardinia will take that course which, in my opinion, will be the one most conducive, not only to her advantage, but to her reputation. I cannot believe that in the present circumstances of the case there is any power in Europe which would wantonly provoke a war. There is a Power which may not be present at this Congress when it takes place, but which is greater than emperors and congresses, and that is the power of public opinion. I do not believe that in this day that is a power which can be wantonly outraged. Sir, I should think it a gross outrage of public opinion if, under the circumstances in which we now find ourselves with respect to the Italian question, no solution should be found but that of the sword. On the contrary, it appears to me that the elements of a settlement are in existence; and, although I know it is disheartening in conducting negotiations to find that you do not rapidly arrive at the result you desire, still, on the whole, I cannot but trace in all that has occurred a predominant wish that the solution should be one of peace. I do not wish to conceal from this house and the country that the issue is no mean one. A war in Italy is not a war in a corner. An Italian War may be, and probably will be, an European war. The waters of the Adriatic cannot be disturbed without agitating the waters of the Rhine. The port of Trieste is not merely an Italian port; it is a port which belongs to the Germanic Confederation, and an attack on the port of Trieste is not an attack on Austria merely, but on Germany. If, then, a war spread beyond the precincts of Italy, England is interested, not only from those principles—those enlightened principles of civilization which make her look with an adverse eye on any attempt to disturb the peace of the world, but England may be interested from material considerations of the most urgent and momentous character. Sir, under these circumstances I am sure the House will treat with all the temperateness that is desirable the question that is brought before them at this moment. I have placed before them without reserve a statement of the position of these negotiations, and, Sir, I will express more than my hope—I will express still my belief, that with firmness and conciliation the peace of the world may be maintained.

VISCOUNT PALMERSTON: I trust, Sir, that in the very few observations I may feel it my duty to make on the statement which the right hon. Gentleman has just addressed to the House, or on the matters to which it relates, nothing will fall from my lips which shall tend in any degree to add to the difficulties which Her Majesty's Government and the other Powers concerned may have in the settlement of the negotiations to which the statement of the right hon. Gentleman refers. I am sure, Sir, everybody will agree that Her Majesty's Government acted from a proper sense of their duties, and from a due regard for the general interests of Europe, in undertaking that informal mediation between France and Austria to which the mission of Lord Cowley to Vienna related. I might, perhaps, think that if something more of a formal and official character had been given to that endeavour, and if Her Majesty's Government had obtained from the French Government and the Government of Austria some formal acceptance of the good offices of Great Britain and Prussia — if she would have joined Great Britain with a view to an arrangement with the different States perhaps that course of negotiation would not have been interrupted by any other proceeding, and might have tended to a successful issue. I do not blame Russia for having interposed her proposal of a Congress. It was natural enough that, with the best intentions, a great Power like Russia should desire that in the settlement of a great European transaction she should take an adequate part. She could have had no part in a mediation if conducted singly by Great Britain or by Great Britain and Prussia. She necessarily forms part of a Congress, and therefore the moment the mode of proceeding by Congress is adopted, Russia naturally steps in, and has her proper part in the negotiations which this Congress is about to undertake. Now, undoubtedly, it might be natural that Austria should have wished that the negotiations should be either preceded or accompanied by a general disarmament, although that would be inverting the usual course of things; for Governments disarm when negotiations have ended in peaceful arrangements, but do not disarm as a preliminary to negotiations, of which the issue may be doubtful. It was quite unreasonable, however, in Austria to make the proposal she has made—namely, that as a preliminary Sardinia should disarm, and that she should not — because, according to that note we saw published the other day from Count Buol to Lord Augustus Loftus, the proposition was that Sardinia should disarm immediately, and that the only engagement Austria was to enter into in return was, that pending negotiations she would not attack Sardinia unless Sardinia did something—I forget what —in violation of her duties towards Austria. The result of that would have been, if the negotiations had been broken off—which might have been done at any time by Austria herself—that Sardinia, still further weakened by disarmament, would have been left entirely at the mercy of Austria. Her Majesty's Government were therefore perfectly right in objecting to that condition, and Austria was quite right in waving so unreasonable a proposition. I am glad to hear that both France and Austria have agreed to the principle of disarmament; because, when these two great Powers admit that principle, it seems to me that we are not too sanguine in hoping that the negotiations following must eventually tend towards a continuance of the peace of Europe. But, Sir, I must say it appears to me that going into a long discussion on the question of disarmament, instead of going at once into Congress to consider the real question at issue, is somewhat of a waste of time. If the Powers are really willing to adopt those four propositions which the right hon. Gentleman has stated to the House, the main and principal one of which is the evacuation of Central Italy by foreign troops—implying, I presume, an engagement that these troops should not at any future time return—why should the Congress not meet at once and settle that point, for that point once settled everything else would follow; and that point not settled everything else would be nugatory with the view to the establishment of peace in Europe? The expression of "a general disarmament" is one the ordinary meaning of which is well understood; but the particular application of it is excessively vague. If you tell me you are going to disarm a single man or a regiment I understand what you mean—the thing is plain, and when it is done the fact of its being done is easily perceived. But when we are told that France, Austria, and Sardinia are to disarm, we ought first of all to establish to what that operation refers—as, its date and limit. It means, I assume, the assimilation of the number of their troops to that at which it stood at some previous period, and that the troops are to return to the positions which they occupied at some previous period. But in that case you must fix upon some previous period as a standard; you must have an inspection of returns by a commission and an inspection of positions; you must have operations performed which must require a long space of time. It is not a thing that can be done in a week or a month even; and until it is done to the satisfaction of all parties — if this is to be a preliminary part of the negotiations — your negotiations will be indefinitely postponed, and in the meantime all the existing apprehensions and jealousies will be still permitted to operate. Now, why should the Congress not meet at once? and why should they not agree that there should be a disarmament operating in the course of time, and then proceed to discuss the real question on which the peace of Europe depends? I am not going to suggest the details of an arrangement because it is not the office of a Member of this House to do so; but no man who has looked at the state of the Continent can shut his eyes to the fact that it is the disturbed, restless, and uneasy condition of the Italian States which endangers the peace of Europe, and that that restless and uneasy condition results from bad government in the countries to the south of the Po; and that this bad government is fostered by the confidence on which the rulers of the different States in that part of Italy rest, that, in the event of any resistance on the part of their subjects against their oppression and tyranny, Austrian troops will come to their aid and quell the disturbance. Well then, I say, let France and Austria agree immediately to withdraw the troops that now occupy Central Italy, and let them come to a formal and public engagement that, under no circumstances, and at no future time will they re-occupy those countries; and then the Congress may, if they think it desirable, go into the questions connected with the amelioration of Italy in general. But I am inclined to believe that this single agreement, when it was once made publicly known, would lay the foundation of a progressive improvement in every State south of the Po. It cannot be supposed that the people of Italy are now in that disturbed and excited condition in which they were in 1848. The minds of men are more reasonable now than they were then, and there is a much better understanding among the nations of Italy as to the means by which an improvement in their administrative systems can be obtained. There is also much less disposition to acts of violence than there was in 1848. I therefore am of opinion that if the Governments and nations were once firmly convinced that they would be left to themselves to settle their reciprocal differences, there would be laid the sure and certain foundation of progressive improvement throughout the Italian peninsula. I can easily suppose that a Congress if it goes into the question of what specific reforms are desirable for Rome, what for Tuscany, what for Parma, and what for Modena, what in each other State of Italy—changes which must differ in degree in each of those States—would be undertaking a task which it would not be in the power of the wisest men, not belonging to those countries, to perform. Therefore, I am not urging any particular steps in regard to these matters. I do not say anything against the general encouragement which would, I doubt not, be felt if this exhortation as one of the conditions preliminary to the Congress, should be proposed to these Governments. Now, it seems to me from the statement of the right hon. Gentleman that the present difficulty arises from the indisposition on the part of Sardinia to consent to the principle of disarmament unless she is admitted as a member of the Congress. With regard to that, it might be said that, considering that the army of Sardinia is numerically much smaller and weaker than that of Austria, the latter Power cannot seriously entertain any alarm of invasion on the part of Sardinia. If, however, that probability were seriously contemplated, England and France could require, and doubtless obtain, from Sardinia such assurances as would set the mind of the Austrian Government at ease from any apprehension of danger of that kind. And I should not have supposed, and it would be hard to suppose, that if Austria retired from the Sardinian frontier and it were seen that Austria really meant to reduce her establishments, any sensible Government of Sardinia would continue to impose upon the people of that country the serious burdens entailed upon them by the present extent of their armaments. Therefore, I must take it for granted that the principle of disarmament having been admitted, and Congress having met to discuss the Italian question, Sardinia would follow the example of France and Austria, and would cease to place herself in a position that would excite any apprehension. With regard to the application made by Sardinia to be a member of the Congress, I will not express any opinion of my own —this is a question which it rests with the responsibility of the Government to determine; but I will state one or two points which have occurred to my own mind. No doubt, it may be said on the one hand, as it has been said by the Chancellor of the Exchequer, that Sardinia has not hitherto been considered one of the great Powers of Europe; and the proposition of Russia being that the five great Powers which have hitherto taken a part in European questions should meet in Congress, that proposition does not in its terms include Sardinia. But, on the other hand, the example quoted by the right hon. Gentleman has, in some degree, an analogy of a different kind. Sardinia, was a Member of the Congress of Paris? And why? Because, as the right hon. Gentleman stated, Sardinia had been one of the belligerents. Sardinia had taken part in the war against Russia, and she could not therefore re-establish her relations with Russia except by a treaty of peace; and if that treaty were to be negotiated, it was but fair and just that Sardinia, who was expected to sign it, should also have a voice in the negotiation of it. But Sardinia may be said at present to occupy a somewhat analogous position to that which she occupied before the Congress at Paris. There has been no war in this case, and Sardinia therefore is not a belligerent; but all these questions and this Congress arise out of the apprehensions of the different States, in consequence of the armies which have been maintained and put in a threatening position, and from the apprehensions of conflict arising therefrom. Sardinia is one of the parties with regard to whom these apprehensions exist, and Sardinia is also one of the parties called upon to disarm. Sardinia might, therefore say, "If you call upon me to disarm in common with France and Austria, and if that question is to be discussed in the Congress, I ought to be allowed to be present there as well as France and Austria." I do not see, under these circumstances, any derogation from the position and dignity of the Five Powers, if Sardinia were admitted to consider that question on the specific ground, that what she is called on to do, she will have to do in common with France and Austria, and that it is therefore fair she should be present at a discussion upon this question of disarmament. If, on the other hand, it should be found that there are invincible objections to Sardinia being admitted as a Member of the Congress, I think you ought not to impose upon her a disarmament, which does not apply to the other two Powers who are to be Members of the Congress. One of these two courses you ought to adopt—either admit Sardinia to the Congress, and require her to be a party to a general disarmament; or say, that as she is not a Member of the Congress, you trust to her good sense to follow the example of France and Austria to disarm. With regard to the general subject, I think that the statement of the right hon. Gentleman gives us well-founded hopes that the peace of Europe will not be disturbed. It is impossible to see any ground on which war could now legitimately take place. I apprehend there is no pretence for the violation of existing treaties by the infringement of the Austrian possessions in Northern Italy. The statement of the right hon. Gentleman of the position of Austria, as established in 1815, is perfectly correct. No doubt, the settlement of 1815 is not the settlement which now, as regards Italy, it would be desirable to adopt. At that time people acted as they mostly do — they thought of the last danger that had threatened to overwhelm them, and that last danger was the preponderating power of France, and her wide and expanding aggressions. The arrangements made with regard to the north of Italy were made to provide against the recurrence of that danger, and I presume that men at that time did not so much consider what effect those arrangements might have upon the general welfare of the States of Italy. However, that which was done was done by treaty, and that treaty is the charter by which Europe holds its present political distribution of territory. There can be on the part of no one a desire to violate that treaty. These arrangements which it is desirable to make for relieving Central Italy from foreign interference are arrangements to be made between France and Austria, and these two Powers are too much enlightened, and must be too desirous to promote peace, not willingly to agree to them; and if that be done, any legitimate cause of war seems entirely to disappear. There may be, and there are occasions when war is necessary; and, when war is necessary, it becomes just. But to enter upon war without necessity—without a strong necessity—is an act of injustice which, reversing the well-known saying of the old diplomatist, is "not only a fault, but a crime." And I trust that no Government will be so blind to the duties they owe to themselves, to their subjects, to Europe, and to mankind, as to enter now upon a war for which there is not only no necessity, but no legitimate or even plausible pretext. The House has received, and I have received, with satisfaction, the general outline given by the right hon. Gentleman of the present state of the negotiations; and I will only fervently hope, that the efforts of those Powers who are endeavouring to smooth down these difficulties and maintain the peace of Europe will be crowned with that success which such endeavours most justly deserve.

Mr. T. DUNCOMBE said, that on a former occasion when the House was going to discuss the state of Italy, the right hon. Gentleman the Chancellor of the Exchequer told them, and told them almost confidentially, that the French and Austrian armies were about to evacuate the Roman States. The noble Lord the Member for Tiverton, and the noble Lord the Member for London, then congratulated the Government on the statement, and concurred in the suggestion that in such a position of things, not one word should be said on the subject. Now, however, it turned out that the right hon. Gentleman bamboozled those noble Lords, who in their turn gagged the House, on that occasion, and now things were coming to a crisis. It was quite time they should come to a crisis, for the present state of Italy was a disgrace to continental Europe. He wanted to know what hope there was for Italy from the speech of the right hon. Gentleman. They were told that there was to be a Congress. Sardinia claimed a place in that Congress, and why did she claim it? The right hon. Gentleman had not told them those reasons, and he (Mr. T. Duncombe) said, that if that House, speaking on the part of the people of England, did not say that Sardinia was entitled to a place in the Congress it would disappoint the people of this country. In a letter to the British Government Count Cavour not long ago gave reasons for wishing that Sardinia should be represented in the Congress:—

> "But the Cabinet of Turin believes at the same time that Piedmont ought to be represented at this Congress, and it is persuaded that its intervention would be useful, not to say indispensable, if the Powers which show a proved sympathy for Italy, and those which desire to obviate the danger of the abnormal state of the Peninsula, think that they can render prevalent a system more conformable to justice by obtaining concessions and guarantees of a nature to calm the public mind. Sardinia enjoys the confidence of the unhappy populations whose fate is about to be decided."

"Sardinia enjoys the confidence of the unhappy populations whose fate is about to be decided," and yet the five great Powers, as they were called, in the exercise of a tyrannical Act, said that Sardinia should not appear to plead the cause of Italy before the Congress. The British Government, in his judgment, would disgrace itself unless it insisted on Sardinia having a seat, and Sardinia was quite right not to disarm unless she had a seat in the Congress, conceded to her. For the five great Powers to make her disarm and not give her a seat would be the greatest act of oppression and tyranny which had ever been committed. He did not know what view the noble Lord the Member for the City took of it, but the view which he had stated was certainly consistent with former expressions of the noble Lord. The state of Italy, he would repeat, was a disgrace to civilized Europe. He believed that nothing short of the independence and unity of Italy would before long satisfy Italy. Austria was the curse of Italy. She had been so for a long time; and it was believed that the British Government were playing into the hands of Austria. They must get rid of Austria altogether from Italy before they could secure the peace of Italy. They might stave it off by this Congress; they might exclude Sardinia; but they would never promote peace and happiness in Italy so long as Austria dare set foot in Italy. England could do much. She need not go to war. She need only use her moral influence, and say to Austria, "The manner in which you have governed and do govern the Italian people is a disgrace to you. Give them a constitution if it is your determination to remain, but it is much better for you to withdraw altogether and leave the Italian people to settle their own affairs." He believed it would be wise to give that advice, but if the Government went on in the half-and-half way they were doing, war was inevitable, and that would be the consequence of the policy which the Government was pursuing. He did not think that the noble Lord the Member for Tiverton (Viscount Palmerston) had spoken out in the manner which the people of this country would expect he should on this occasion. He hoped to hear the noble Lord the Member for the City of London say something on this subject. He had not intended to rise at the moment when he did, but he should have been sorry to see the discussion close without raising his voice, and expressing his opinion in favour of a much more liberal policy than Her Majesty's Government seemed inclined to pursue towards the unhappy people of Italy.

Mr. GLADSTONE: Sir, I cannot help expressing my regret that the hon. Gentleman the Member for Finsbury should have said that which, as I am afraid the event will prove, will tend greatly and inconveniently to widen the field of this discussion. He has complained of the remarks made by the noble Viscount the Member for Tiverton, but, so far as it appears to me, the great merit of those remarks lies in the sedulous avoidance of whatever could tend to irrelevant, and in the strict adherence to the immediate, matter in debate. I am sure the hon. Member for Finsbury (whose goodwill towards the suffering people of Italy cannot be doubted) can hardly be of opinion that he contributes to a satisfactory solution of the existing difficulties, by urging in this House upon the Government that no remedy can be effectual short of the expulsion of Austria from Italy and a great alteration in the treaties of 1815, and going one step further and complaining that the policy of Her Majesty's Government is not adapted to promote the general interests of Europe or the maintenance of peace. With respect to the policy of Her Majesty's Government, it is certainly the very last thing I should think it wise to do—to assume that that policy has taken a wrong direction until I am aware that such is the case. I should think I was injuring the very cause I might desire to serve by complaining and adopting a tone of accusation. But I do venture to make one remark on the expressions which fell from the right hon. Gentleman the Chancellor of the Exchequer. I know well that he speaks, as all speak on a question of this kind, under difficulty, and feeling the necessity of self-restraint. But there were two observations which the right hon. Gentleman made, with regard to which I am unwilling to put a construction which I confess they appear to bear. He must be aware that even very light words used by him on an occasion of this kind will be rigidly construed, and construed by the respective parties in the sense which they severally wish to affix to them. Now, in one portion of his speech the right hon. Gentleman stated that the conduct of Austria throughout these complications had been marked, if I heard aright, by a tone and spirit of dignified conciliation. In another part of his speech the right hon. Gentleman stated that the conduct of Sardinia presented many things which were embarrassing, perplexing, and ambiguous. I must say that if we are to infer the temper of the two Governments from the rigid construction of those expressions, and putting on them, perhaps, a stronger sense than they themselves wear, we may be inclined to come to one or two conclusions—either that there is unknown to us much meritorious conduct on the part of Austria, and much questionable conduct on the part of Sardinia, or else that the spirit of Her Majesty's Government is not one of entire partiality. I do not adopt that conclusion, and therefore I am sure my right hon. Friend will excuse my calling his attention to what seems to me the natural bearing of what he uttered. I am bound to say, so far as the facts of the case are known to the public, I can see nothing to justify the drawing such a distinction. The Chancellor of the Exchequer has given us an instance of the conduct of the Cabinet of Vienna, which, if it is a specimen of that conduct, hardly appears to me to justify the description of dignified conciliation, because he says it was the proposal of the Cabinet of Vienna that, while the great Powers of Europe met in Congress, in which Congress Sardinia was not to have a place, France and England were to insist that Sardinia, and Sardinia alone, as a condition anterior to the meeting of that Congress, should proceed to disarm. I can only say that I see no dignified conciliation in making such a proposition, and I must further say, that the withdrawing such a proposition was nothing more than merely a concession to the obvious demands of decency, propriety, and necessity. On the other hand, with regard to the conduct of Sardinia, it is not easy to find in the statement of the right hon. Gentleman any support for the somewhat accusatory expression which he has used, because he has told us nothing excepting that Sardinia has demanded either a place in the Congress, or else to be exempted from the condition of disarming. As respects the question of a place in the Congress of Sardinia, I fully grant that it is a question surrounded with the gravest and most serious difficulties. She has much to urge, as has been said by my noble Friend opposite (Viscount Palmerston), for the purpose of showing why she should be admitted there; but, on the other hand, one cannot deny that if the Congress is to occupy itself, as seems likely to be the case, with the internal affairs of other States of Italy, you would draw a distinction unfavourable and inequitable as respects them if you were to grant to Sardinia a place which they are not entitled to take. I frankly own that I do not see any objection to the alternative proposed by the noble Viscount. Granted that the difficulties to conceding a place in the Congress to Sardinia be too great. But if Sardinia is not to have a place in the Congress, then why is it necessary to call on her to disarm? It is not altogether a question of abstract right. It is not merely a question whether you will enforce this disarming on Sardinia. The questions are these:—Will there be any danger to the peace of Europe if Sardinia does not disarm before the Congress meets, or is it to be supposed that any danger to that peace can arise from her sole and unsupported action? Sir, that is a question which I confess appears to me scarcely to require an answer. It is not to be supposed that any man intrusted with the responsibility of governing a country—even a despotic country, and especially a free country—it is not to be supposed that any man holding the position of Minister of the King of Sardinia would for one moment, under the eye of Europe, and while the Powers of Europe were on the eve of being called together to determine the great conditions of a settlement of the Italian question, wish, or if he wished, would dare to attempt any measure that could possibly interfere with the continuance of peace. Is it prudent, then, as has been asked by the noble Viscount, to prolong these discussions about disarming, and is not the prolongation and continuance of the present state of things in itself attended not only with immense cost, not only with great evils in the general uncertainty in the mind of Europe, but with the greatest possible risk? Is it not, too, likely, in the condition in which armed men stand, almost within rifle shot of one another, that some accident may happen—some pure casualty having no relation to the policy or intention of any Power concerned, which may have the effect of lighting up the conflagration which, once lighted up, cannot be extinguished? If this be so, I humbly urge it on the Government as a strong reason why they should not allow themselves to be kept back from the commencement of negotiations by any difficulty of a formal or ceremonial character, but should, on the contrary, accelerate to the best of their power the commencement of these discussions, from which alone, as far as we can see, there is an expectation of any general settlement likely to lead to the permanent maintenance of peace. There was another passage in the speech of the right hon. Gentleman the Chancellor of the Exchequer with respect to which I should, if he had not himself already used the epithet with respect to Sardinia, have said it was ambiguous, or, at least, capable of a construction which I do not think the right hon. Gentleman wished to be put on it. The right hon. Gentleman said—and these two things were stated in connection with one another—that the port of Trieste was not an Italian port, but belonged to the German Confederation; and the second was—and in this I hope I misunderstood or misapprehended him—that if this war should commence, and if it should extend beyond the bounds of Italy, there were material and substantial interests which in that case might have the effect of making England a party to it. [*Cries of* "No!"] I do not know whether I represent inaccurately the statement of the Chancellor of the Exchequer, but certainly there appeared to me to be a connection between the two things as they stood in the right hon. Gentleman's speech. First of all, that Trieste was not an Italian port; and, secondly, that if the war went beyond the borders of Italy, then the question might assume a new aspect for England. Now, it may be that if we were to go beyond the borders of Italy, it would assume a new aspect; but I am not at all sure that it would be an aspect which England would be bound to recognize. I do not think it possible for any one, not even the right hon. Gentleman, at this moment, to define what may be the duties of England in respect to those complications, if they should unhappily break out into war. I am far from putting on what has fallen from the right hon. Gentleman any construction which would imply that the Government were about rashly and hastily, under any circumstances, to involve this country in participation in such a war. There may be many difficulties, and the solution of the Italian difficulties is, I fear, not to be attained by any one measure which may be said to be easily within the reach even of a Congress. The people of England are, without doubt, greatly impeded by the nature of the obstacles on the continent of Europe with respect to any wish or expectations they may have formed in regard to the future; but, Sir, I do believe that there are two circumstances in respect to which the mind of the nation is perfectly clear. First, that the peace of Europe may be maintained; and, secondly, if peace is maintained, that it may be maintained by arrangements which shall have some tendency to a mitigation of the evils which afflict the Italian peninsula, because no peace could be substantial or permanent which, resting on the deliberations and decisions of the great European Powers, does not affirm and effect something in the interests of suffering humanity.

Mr. CONINGHAM said he did not think that the observations of the hon. Member for Finsbury were justly obnoxious to the censure of the right hon. Gentleman the Member for the University of Oxford. Those observations were in accordance with the sentiments of the English people, who had seen with the deepest concern the frightful misgovernment which prevailed in the Italian peninsula, and which was created and prolonged by the direct interposition and constant pressure of Austria. He did not think that the explanation of the Chancellor of the Exchequer was so satisfactory as that right hon. Gentleman seemed to assume it to be, for it only came to this,—that Austria and France had agreed, not to a virtual disarming, but to make that the first point of discussion in the approaching Congress. If the Chancellor of the Exchequer had been able to give the House an assurance that owing to the diplomatic interference of the British Government Austria had consented to evacuate the Italian provinces, and that France had also consented to evacuate Rome, and that the Papal Government and the various dynasties of Italy were left to square their accounts with their own populations, there would then have been some ground for satisfaction. The only conclusion however which he (Mr. Coningham) could draw from the explanation given that night was, that war had been only temporarily postponed, that the designs of the Emperor of the French were palpable, and that the influence which he exercised over the Government of Sardinia was such as to make it clear that the views and opinions expressed by that Government were those of the Government of France. He had ventured to address these observations to the House, as he could not allow the discussion to close without declaring how warmly the English people sympathize with the sufferings of Italy.

Lord JOHN RUSSELL: Sir, if I did not immediately follow the noble Lord the Member for Tiverton, as the hon. Member for Finsbury (Mr. T. Duncombe) seemed to expect I should, it was, in the first place, because I concurred so completely in all his observations that I did not wish to trouble the House with any statement which would have been a mere repetition of the observations of the noble Lord; but, in the second place, I will say that I feel so deeply the responsibility which attaches to any statement that can be made in this House that I fear, though it may be as far as possible from my intentions in speaking on this subject, lest I might drop words which might tend to impair in the smallest degree the prospect of maintaining peace in Europe. I have felt during all these discussions that not only was there that danger to which the Chancellor of the Exchequer alluded—the danger that any war which began in Italy might spread and cause Europe to be engaged in a general war, but also that for the cause of Italy herself it was most desirable—I may say essential—that peace should not be broken.

I say this not merely in respect to her material prosperity, which would be trampled under the tread of armies, but also in respect to that constitutional government which has been established but for a few years in Piedmont. That experiment has hitherto succeeded beyond all the hopes of the friends of freedom, and bids fair to extend, sooner or later, to the whole of Italy the benefits of representative government; but it might be unable to withstand the strain of Piedmont being engaged in war with enemies more powerful than herself, and allies more powerful than herself, and of being obliged to impose burdens on the people which might make them weary and impatient of what they might suppose the evils of constitutional forms of government. It was for this reason that I had not wished to be called on to address the House, and I shall now add but a few words to what my noble Friend has stated, on two points mainly arising out of the statement of the Chancellor of the Exchequer. These points have reference, first, to the admission of Sardinia to the Conference or Congress, and, secondly, to a matter nearly connected with that—namely, the previous disarming. With respect to the first point I quite agree that the Government may now feel embarrassed under the circumstances in proposing a departure from the proposition of the Government of Russia, acceded to, as it has been, by the Government of France. At the same time, this only gives me occasion to lament, among various other provisions made at the time of the Congress of Vienna, the change then introduced in what had theretofore been the general practice of Europe—namely, that whenever any Congress or Conference took place that Congress consisted of all the Powers concerned, whether large or small, and was not confined to what are now called the five great Powers. In old times we find that Sweden and Holland were engaged in the meetings of national representatives, and took as much part in them as any of the other Powers; but, unfortunately, these five Powers, having extensive military and naval forces at their command, created at Vienna a sort of monopoly to themselves of meeting to consider the affairs of Europe. It is a great misfortune if that precedent cannot be departed from, for the right hon. Gentleman the Chancellor of the Exchequer has fairly quoted two precedents the other way; and I think that in this case it would be most conducive to the maintenance of peace that Sardinia should appear by her representative at the proposed Congress. Then comes the next question. Austria demands that in the first instance there should be a general disarmament, and I cannot wonder that Sardinia should say, "If there is to be a general disarmament, let us be represented at the Congress, and let us also know the grounds upon which that disarmament is proposed." I confess it appears to me that there is something new and very inconvenient in the manner in which this proposal has been made by Austria. There have been in Europe instances without number of different Powers, having causes of dispute, making preparations for war; and when these preparations have been made, there has always been some treaty, some convention, or some declaration, by which the Powers, having first agreed upon the points in dispute, then went on to provide that they should severally disarm. That appears to me to be the convenient mode of proceeding, because, if you insist upon a disarmament, in the first instance, it is impossible, as my noble Friend has said, unless there has been a special number of troops added to the army, or of vessels of war to the navy, to say exactly how far that disarmament shall extend. But, in the next place, it is the interest of the different Powers which are going to enter into the discussion of the question in dispute not to disarm until those questions are settled, because they will naturally say, "The Congress may end in peace, but it may unfortunately end in war, and we cannot deprive ourselves of the means of carrying on war until we know that war can be averted." It seems to me, therefore, that the former practice of Europe is by far the best—namely, that you should consider what are the causes of quarrel; that, although you need not of course be agreed upon every point of detail, you should agree upon the great points to be settled; that you should see your way clearly to the maintenance of peace, and that then you should say, "Now we have agreed let us disarm." If disarmament is proposed in the first instance, it is the interest of each Power not to disarm in good faith, but to keep up the armaments they profess to diminish; while, when the Powers are agreed, these armaments are a mere burden upon the States which maintain them, and it is evidently their interest to carry into effect immediately and in good faith the provisions of treaty or convention for disarmament. I must own, therefore, that, in my opinion, preliminaries of peace ought to be settled before Sardinia is called upon to disarm. With regard to the points in dispute in this case, Her Majesty's Government have not communicated to us, nor have the public organs of intelligence informed us, what are exactly the demands made by any of the Powers, for what reason the Emperor of the French declared that he was not upon good terms with Austria, or what are precisely the demands of Sardinia. We have read a paper signed by Count Cavour, but we have no certain knowledge that it represents the demands of Sardinia, aad I cannot think that the demands it contains are such as would all be insisted upon. It cannot be said, therefore, that we know exactly what are the causes of the danger of war which at present impends over Europe. Her Majesty's Government not having communicated to us the nature of the demands which have been made, it would, I think, be very imprudent on our part to endeavour to go into the question, and we can only leave it for the present to the consideration of the Government. It will, of course, be for Parliament when they have before them, not such a brief statement as has been made to-night, but all the papers bearing upon the subject, and when the whole question is submitted to their consideration, to form a judgment with regard to the course which Her Majesty's Government have pursued. At present we can only express a hope that the Government —as I think must be their intention—will enter into no engagements that may be inconvenient and burdensome to the people of this country unless Parliament is sitting and can be a party to such engagements. I think, as Parliament is now about to be separated for what, in the present condition of affairs, is a considerable time, it is not too much to ask and to expect that no such engagements should be entered into. If Her Majesty's Government, from the favourable position which, as the Chancellor of the Exchequer truly says, they occupy — being themselves impartial, and equally desirous of the welfare of France, Austria, and Sardinia—can find means by which existing differences can be reconciled, they will perform a great service to Europe, and I shall heartily rejoice in their success.

MR. MONCKTON MILNES said, he thought that in this case disarmament—the mere diminution of the material force of armies—was not what was required, but the withdrawal of the armies from the localities in which they were stationed. That withdrawal would, he believed, effect all the objects which were proposed to be attained by a general disarmament. It seemed to him that there was no necessity that the Emperor of Austria should diminish his army, but merely that he should withdraw from the Lombardo-Venetian provinces the large body of troops he had assembled there. The question of disarmament with regard to Sardinia was totally different. The army of Sardinia consisted of an aggregate not only of the national troops, but of volunteers assembled from all parts of Italy, who were animated by strong political fervour and excitement, and the very proposal for its disarmament would in all probability occasion one of those popular commotions which, at the present moment, it was most desirable to avoid. It was not then the question of disarmament that could be brought before the proposed Congress. That Congress, to be of any service, must proceed upon a sincere desire on the part of the great Powers of Europe to ameliorate in some degree the condition of the Italian people. Without that the Congress would only lead to delay, and our interference in that Congress could be nothing but a source of danger to this country, without any probability whatever of effecting any practical good. The part England might take in the coming struggle, if she had to take any part at all, was at present so undecided that her position with regard to the other Powers was most difficult and perplexing, and he had heard with dismay the announcement that she was the mediator between two powerful European monarchies, because he knew well from the teachings of history that when a Government attempted to mediate between two great States it was very difficult to bring the mediation to a close without some serious rupture between the mediator and one or other of the contending Powers. He hoped, therefore, that our interference in this matter would at present be confined within the very narrowest limits, and that the utmost caution would be exercised to avoid giving any pretence for the supposition that England inclined one way or the other with regard to the increase of the moral influence of France or the diminution of the moral influence of Austria. It seemed to him that all the Government of this country had to do at that moment was to bring before the statesmen of Europe the fact that the condition of Italy was one of great peril to the public peace, and that a commotion in a single town might at once remove the question from the hands of diplomatists, and bring it into the arena of absolute war. As he had before observed, if the Congress should meet together for the real purpose of benefiting the Italian people some good might come out of; but if it met merely for the purpose of exhibiting a conflict of ambition, he believed that no good whatever could result from it. He had been a witness for many years of the disastrous government of Austria in Italy, and he was bound to say that the dissatisfaction which existed in the north of Italy had not arisen from any desire on the part of that Power to oppress the Italian people, but was attributable to an unfortunate political system according to which her rulers were endeavouring to concentrate all the different nationalities of Austria in one homogeneous body. Thus it was that from the first moment of the Austrian occupation of Italy a spirit of Italian nationality had been fostered, which up to that time had hardly any existence; and the question which the Congress would have to decide was how far that spirit of independence and nationality among the Italians might justly be gratified consistently with the faith of treaties and the public order of Europe. He believed that the best commencement of any measure of that kind would be a realization on the part of the Austrians of the totally unnational character of the present Government of Lombardy and Venice. If an attempt were made to govern the Lombardo-Venetian provinces of the Austrian empire as they were governed by the French under the dynasty of the First Napoleon—namely, by the employment of Italians in public offices and by the presence of an Italian army,—he did not say that such a project would succeed—he did not say that the estrangement might not have gone too far—he did not say that at the present moment it would be possible to retain the Austrian rule; but for the future the Austrian Government would, at all events, be able to say to posterity that they had done what it would have been well to have done before,—that they had attempted to govern the Italians as an independent people ought to be governed, and not in that spirit of cruel conquest which had for so many years obtained. That at least was all we had a right to suggest to the Court of Vienna with regard to the government of Lombarby and Venice. Having been parties to the treaty of Vienna, we had no right to enforce any more than this; for it should be remembered that in 1815 the English Government were the most urgent in pressing upon Austria the annexation of Lombardy and Venice. The British Commissioner to the north of Italy at that time informed him (Mr. Monckton Milnes) that the late Emperor of Austria said to him,—"I positively refuse to take one inch of ground beyond the Alps. You might just as well propose to restore to us the Low Countries, which, thank God! have gone away from us altogether. I am convinced that the possession of these Italian provinces will be nothing but a source of trouble and expense to us, that it will exhaust our resources, and that we shall never, by our mode of government, be able to maintain Lombardy and Venice as a prosperous portion of the Austrian empire." It would have been well if this wise policy had been adhered to, and if some arrangement had been made by which these provinces had been rendered Italian. The great disaster which now threatened Europe might then have been avoided; but, at the present moment, he thought no English statesman should attempt to ignore Italian nationality—a feeling the gradual and steady growth of which in the peninsula proved it to be most true and sincere. It was not now a question of dynasties or particular forms of government,—there was nothing radical or revolutionary to be apprehended; but it was a question in which, perhaps, the nobles were more interested than the people, and men of property than those who had none. Unless, therefore, this feeling was recognized, and it was understood that the Congress could do no good unless it regulated and organized that feeling, he believed the deliberations of the five Powers, aided even by Sardinia, would be totally useless. With regard to the admission of Sardinia, he felt bound to say that without it the discussion of these questions would prove nugatory, for the people of Italy would look upon the Congress as a set of strangers meeting together to dispose of their lives and property, or—what was still dearer to them—of their nationality and their liberties. In such a case they would not in any degree submit to the decision arrived at, unless forced to do so. The object of the Congress should be to contrive some means by which Italy should no longer be submitted to the *régime* of force, but should be enabled so to develope its national resources and its national feeling as to be for the future a security to the peace of Europe, instead of, as heretofore, the source of tumult, of discontent, and of discord.

General THOMPSON said, what he wished to ask was, whether there was any fear that Sardinia would attack anybody. It was as though the persons inside a post-chaise should be called upon to disarm by those outside. Sardinia was the man inside. Was it Austria or Sardinia, that ought in reason to be asked to disarm? The relative position of the two Powers showed the extreme impropriety of calling upon the weaker to do it. It was most unreasonable that a Power so deeply interested in the question as Sardinia, should be refused admission to the Congress. Nothing analogous to such a proposal could be found in municipal law, or in the relations between individuals; and that which was repugnant to justice in the case of individuals, could not be right in the case of nations. It was by public consent that peace was to be maintained among nations; and war would never be prevented unless by cultivating the natural dispositions of mankind, which were as prominent in nations as in individuals.

Sir JOHN WALSH said, he had listened with apprehension and regret to the speeches which had been made following the statement of the right hon. Gentleman the Chancellor of the Exchequer. It appeared to him that in the present state of Europe, the interests of civilization, of Europe, of Italy itself, and of our own country, the most pressing necessity was to arrest the imminent risk of war. Let them get rid, if they could, of this danger which threatened Europe, and then let them apply their efforts to the improvement of the state of Italy. No such improvement could be effected, as the noble Lord had observed, by the ravages of war or by the collision of these great military monarchies, and yet he feared that the whole course of the observations made by those who followed in the debate rather tended to remove the last chance of peace. What was the statement of the Chancellor of the Exchequer? That on this great question of disarmament, after Austria had put forward a proposition which he perfectly acknowledged was somewhat unreasonable, namely, that Sardinia alone should disarm as a preliminary to the Congress—that Austria withdrew that proposition, and substituted for it one for a general disarmament. France acquiesced in that proposition, and was willing that it should be entertained at the first meeting of the Congress. But the right hon. Gentleman went on to state that the great hitch in the negotiations arose from the fact that up to the present time Sardinia had positively refused to entertain the question at all. But the right hon. Gentleman added that a statesman had just arrived in this country of European reputation; that his general character for moderation and firmness was well known; and the right hon. Gentleman appeared to anticipate that he was the bearer of favourable propositions on this point. Now what had almost all the speakers who followed in the debate urged in favour of Sardinia? Not that she should not be called upon to disarm alone—which he admitted would be unreasonable—but that she should be allowed to remain armed—allowed to remain in her present state of menace and aggression towards Austria, and that, though both France and Austria had agreed to disarm. It appeared to him, considering the great interest France had in this question, that this was as unreasonable on the one side as the first proposition of Austria, that Sardinia should be called on to disarm alone, was on the other. When the Congress met it should be understood that the object was to unite all the great Powers of Europe in the endeavour to find a pacific solution of the question. But to argue that Sardinia, which had been the most menacing and most aggressive in its attitude of all the powers, should continue to preserve that menacing attitude, and that for the various reasons which hon. Gentlemen had stated the disarmament was not to be enforced against Sardinia, which was to be enforced against Austria and France, was most unreasonable; and if the Marquis d'Azeglio were encouraged by the observations that had been made to insist that Sardinia should remain armed it would destroy the last chance that remained for the peace of Europe. The noble Lord the Member for Tiverton had put the question upon a footing which was not very flattering to Sardinia. He considered that Sardinia was so weak a power and one so little calculated to be formidable to Austria, that her insignificance ought to protect her from being called on to disarm. In taking that view the noble Viscount was treating the military power of Sardinia too cheaply. The hon. Member for Pontefract (Mr. M. Milnes) had told them of what that army was composed—partly, no doubt, of the regular troops of the country, but having also a large portion of volunteers from all the States of Italy; and they were animated, the hon. Gentleman said, to the highest pitch of patriotic fervour. Surely, an army like that was not to be despised. It was not contemptible, even in its numerical force; but it was still more formidable from the presence of those volunteers which were in a state of high political exultation, and, probably, not very amenable to strict discipline. Such an army in the heart of Italy was fraught with danger, not only to Austria but to the peace of Europe. All in that House, he believed, were anxious to promote the prosperity and improvement of Italy; but they all agreed, he thought—and he knew that public opinion in England was agreed—that those objects were best served by peaceful means, and not by war. And so sure as Sardinia, or any of the unquiet spirits in that country, succeeded in lighting the flames of war in Europe, the result would be, not the triumph of the Italian cause, not the improvement of Italy, but the annihilation of the hopes of those who desired the establishment of constitutional government in that country, and the advantage only of those who were influenced by objects of personal ambition or territorial aggrandisement. He hoped the House and the Government of England would consider well the lesson they were endeavouring to read to Italy and to Europe, by impressing upon them that the legitimate hopes of the rational and moderate friends of the Italian cause were bound up with the continuance of peace, and would be fatally prejudiced and endangered by the calamities of war.

Sir HARRY VERNEY said, he thought that the demand which had been made on Piedmont by Austria to disarm was but too well calculated to produce a hostile feeling in the case of the latter. If Piedmont were not admitted to the Conference as one of the Powers most interested, he did not see how that Congress would lead to a pacific result. It must not be forgotten that, in making this demand, Piedmont did not represent herself only, but was the representative and mouthpiece, as it were, of all those States over whom Austria had for many years exercised an influence which was injurious to their progress and to liberty. The misgovernment of these States arose from the fear, that if they made any effort for liberty, Austrian troops would be poured down upon them. The interference of Austria in those States was not justified by the treaty of Vienna, and this had naturally excited the Italian people against her. There was, no doubt, that volunteers had joined the Piedmontese army from the first families in Modena, Verona, Florence, and even Rome, because they felt that their only chance of expelling the Austrians was by force of arms. He was afraid, however, that even if that did occur, poor Italy would only exchange one master for another, for he did not believe that the different States would ever unite into one Italian power. If the Lombard troops were to unite with the Piedmontese in driving the Austrians out, then he feared that the Lombards would become jealous of the Sardinians and the Sardinians of the Lombards, and that the long-cherished dream of a free Italian Republic would not be realized. He sincerely hoped that those who were about to proceed from this country to take part in the Congress would be successful; but he must say, that their chance of success was lessened in consequence of what he must call the unpatriotic and reckless measure of Government in dissolving the Parliament. The Earl of Malmesbury and Earl Cowley could not speak in the name of England with that influence and authority which the representatives of England ought to exercise, when it was not known whether the Parliament which was about to be summoned would be favourable or unfavourable to the Government they represented.

Sir HENRY WILLOUGHBY said, he thought the House had very slender materials for a discussion on the statements made by the right hon. Gentleman the Chancellor of the Exchequer, and therefore he would only make this observation, that while it was impossible for them not to take an interest in the constitutional kingdom of Piedmont, still if the Congress did meet, three, and probably four, of the five Powers who were to compose it — that was to say, England, Russia, Prussia, and France—would be found to take a deep interest in the welfare of Piedmont. He hoped their endeavours to avert war would be successful, as it was perfectly clear that the first hostile cannon fired would be fatal to the welfare of Piedmont. It mattered not, whether she was successful in the war or unsuccessful. If Austria were to succeed, the consequence to her would be disaster and ruin. But if she, with the assistance of France, were to succeed in driving out the Austrians, the consequences would be scarcely less disastrous. Her finances would be wholly disorganized. He therefore trusted that the Piedmontese Government would choose a wise and sagacious course, and that by every means in their power they would promote the meeting of a Congress where they would have so many friends.

Return to lie on the table.

SECRET DESPATCHES OF THE INDIAN GOVERNMENT.—RESOLUTION.

SIR GEORGE LEWIS said, he rose to move a Resolution, to the effect that it was not competent to the Secretary of State for India to send orders and instructions through the Secret Department to the Governments and Presidencies in India on any subject not being a matter concerning the levying war, or making peace, or treating or negotiating with any of the Native Princes or States in India. He would first say a few words in explanation of the origin and functions of the Secret Committee of the East India Company, and its relations to the Board of Control and to the Governor General and the Governors of Presidencies, previous to the recent change in the Government of India, preparatory to calling attention to the despatch of the noble Lord the Secretary of State for India of the 9th of December last. This latter despatch did not purport to have been submitted to the Council, and from subsequent explanation it appeared to have been transmitted by a process which he would designate the Secret Department.

Notice taken, that Forty Members were not present; House counted, and Forty Members not being present,

The House was adjourned at a quarter after Seven o'clock.

HOUSE OF LORDS,

Tuesday, April 19, 1859.

MINUTES.] *Royal Assent.* — Exchequer Bills £13,277,400; Consolidated Fund (Appropriation); Manor Courts, &c. (Ireland); Evidence by Commission; Medical Act (1858) Amendment; Indemnity; Nottingham Charities; Saint James Baldersby Marriages Validity; Convict Prisons Abroad; Recreation Grounds; Pauper Maintenance Act Continuance; Local Government Supplemental; Manslaughter; Public Offices Extension; Confirmation and Probate Act (1858) Amendment; Naval Medical Supplemental Fund Society Annuities, &c. Act Continuance; Remission of Penalties; Savings' Banks (Ireland) Act; Affidavits by Commission, &c.; Superannuation; Combination of Workmen; Municipal Elections.

PROROGATION OF THE PARLIAMENT. SPEECH OF THE LORDS COMMISSIONERS.

THE PARLIAMENT was this day prorogued by Commission.

The LORDS COMMISSIONERS, namely, The LORD CHANCELLOR (Lord Chelmsford); The LORD PRESIDENT OF THE COUNCIL (the Marquess of Salisbury); The LORD PRIVY SEAL (the Earl of Hardwicke); The LORD STEWARD OF THE HOUSEHOLD (the Marquess of Exeter); and the LORD CHAMBERLAIN OF THE HOUSEHOLD (Earl De La Warr) being seated at the foot of the Throne; and the COMMONS, preceded by their Speaker, being present, the ROYAL ASSENT was given to several Bills.

THE LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, then *delivered* the following Speech:—

" *My Lords, and Gentlemen,*

" WE are commanded by Her Majesty to inform you, that it is Her Majesty's Intention forthwith to dissolve the present Parliament, with a view to enable Her People to express, in the Mode prescribed by the Constitution, their Opinion upon the State of Public Affairs.

" *Gentlemen of the House of Commons,*

" WE are commanded by Her Majesty to thank you for the wise Liberality with which you have granted the necessary Supplies for the Military and Naval Defences of the Country, and for the Provision which you have made for the Exigencies of the other Branches of the Public Service, during the Interval which must elapse before the Estimates for the Year can be considered by the new Parliament, which Her Majesty will direct immediately to be called.

"*My Lords, and Gentlemen,*

"Her Majesty commands us to inform you, that the Appeal which She is about to make to Her People has been rendered necessary by the Difficulties experienced in carrying on the Public Business of the Country, as indicated by the Fact that within little more than a Year Two successive Administrations have failed to retain the Confidence of the House of Commons; and Her Majesty prays that, under the Blessing of Divine Providence, the Steps which She is about to take may have the Effect of facilitating the Discharge of Her high Functions, and of enabling Her to conduct the Government of the Country under the Advice of a Ministry possessed of the Confidence of Her Parliament and Her People.

Then a Commission for Proroguing the Parliament was read,

After which,

The LORD CHANCELLOR said:

My Lords and Gentlemen,

By virtue of Her Majesty's Commission under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's name, and in Obedience to Her Commands, prorogue this Parliament to *Thursday* the *Fifth* Day of *May* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the *Fifth* Day of *May* next.

HOUSE OF COMMONS,

Tuesday, April 19, 1859.

THE DISSOLUTION.—QUESTION.

Mr. T. S. DUNCOMBE: Sir, seeing Mr. Chancellor of the Exchequer in his place, I wish to ask the right hon. Gentleman a question. We know that we are summoned here to-day for the Prorogation of Parliament. I wish to ask when the dissolution will actually take place—when the notification of it will appear in the *Gazette*, and when the Writs will be issued?

The CHANCELLOR of the EXCHEQUER: A Council will be held on Saturday morning. We have advised Her Majesty to dissolve Parliament on that day, so that the Writs may go out on that evening.

PROROGATION OF THE PARLIAMENT.

Message to attend the Lords Commissioners.

The House went, and the Royal Assent was given to several Bills; and afterwards a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor.

Then a Commission for proroguing the Parliament was read,

After which

The LORD CHANCELLOR said:

My Lords and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to *Thursday* the *Fifth* day of *May* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the *Fifth* day of *May* next.

BY THE QUEEN.

A PROCLAMATION,

For Dissolving the present Parliament, and declaring the Calling of another.

VICTORIA R.

WHEREAS We have thought fit, by and with the Advice of Our Privy Council, to dissolve this present Parliament, which stands prorogued to *Thursday* the Fifth Day of *May* next: We do for that End, publish this Our Royal Proclamation; and do hereby dissolve the said Parliament accordingly; and the Lords Spiritual and Temporal, and the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs, of the House of Commons, are discharged from their Meeting and Attendance on the said *Thursday* the Fifth Day of *May* next: And We, being desirous and resolved, as soon as may be, to meet Our People, and to have their Advice in Parliament, do hereby make known to all Our loving Subjects Our Royal Will and Pleasure to call a new Parliament: And do hereby further declare, that, with the Advice of Our Privy Council, We have given Order that Our Chancellor of that Part of Our United Kingdom called *Great Britain* and Our Chancellor of *Ireland* do respectively, upon Notice thereof, forthwith issue out Writs, in due Form and according to Law, for calling a new Parliament. And We do hereby also, by this Our Royal Proclamation under Our Great Seal of Our United Kingdom, require Writs forthwith to be issued accordingly by Our said Chancellors respectively, for causing the Lords Spiritual and Temporal, and Commons, who are to serve in the said Parliament, to be duly returned to, and give their Attendance in, Our said Parliament: which Writs are to be returnable on *Tuesday* the Thirty-first Day of *May* next.

Given at Our Court at *Windsor,* this Twenty-third Day of *April,* in the Year of Our Lord One thousand eight hundred and fifty-nine, and in the Twenty-second Year of Our Reign.

GOD SAVE THE QUEEN.

[TABLE OF ALL THE STATUTES FOLLOWS.

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TABLE OF ALL THE STATUTES

PASSED IN THE THIRD SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM

OF GREAT BRITAIN AND IRELAND.

22° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act more effectually to prevent Danger to the Public Health from places of Burial.

II. An Act to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of *January* and other Days.

III. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

IV. An Act for Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

V. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

VI. An Act to apply the Sum of One million two hundred twenty-two thousand three hundred and eighty-three Pounds eight Shillings and Ninepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One Thousand eight hundred and fifty-nine.

VII. An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.

VIII. An Act to repeal the Thirty-second Section of the Act "for the more easy Recovery of Small Debts and Demands in *England*," and to make further Provision in lieu thereof.

IX. An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss *Sophia Broadley*.

X. An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath.

XI. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.

XII. An Act to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State.

XIII. An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.

XIV. An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in *Ireland*.

XV. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

XVI. An Act to enable the Judges to appoint Commissioners within Ten Miles of *London* and in the *Isle of Man* and the *Channel Islands* to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer.

XVII. An Act to continue an Act of the Eleventh and Twelfth Years of Her present Majesty, for amending the Laws relating to Savings' Banks in *Ireland*.

XVIII. An Act for amending and confirming a Scheme of the Charity Commissioners for Sir *Thomas White's* Charity and the Free Grammar School in the town of *Nottingham*.

XIX. An Act to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service near *Whitehall* and Her Majesty's Palace at *Westminster*.

XX. An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdictions of such Tribunals.

XXI. An Act to amend the Medical Act (1858).

XXII. An Act for raising the Sum of Thirteen million two hundred and seventy-seven thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-nine.

XXIII An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.

XXIV. An Act to render valid certain Marriages in the Church of *Saint James Baldersby* in the County of *York*.

XXV. An Act for the Government of the Convict Prisons in Her Majesty's Dominions abroad.

XXVI. An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.

XXVII. An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Play Grounds for Children.

XXVIII. An Act to continue the Act for the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

XXIX. An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.

XXX. An Act to amend the "Confirmation and Probate Act, 1858."

XXXI. An Act to confirm certain Provisional Orders under the Local Government Act (1858).

XXXII. An Act to amend the Law concerning the Remission of Penalties.

XXXIII. An Act to enable Coroners in *England* to admit to Bail Persons charged with Manslaughter.

XXXIV. An Act to amend and explain an Act of the Sixth Year of the Reign of King *George* the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.

XXXV. An Act to amend the Law relating to Municipal Elections.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for more effectually supplying with Water the Town of *Shepton Mallet* and the Neighbourhood thereof in the County of *Somerset*.

ii. An Act to enable the *Swansea Vale* Railway Company to raise further Money; and for other Purposes.

iii. An Act for providing a Joint Station at *Epsom* for the Use of the *Wimbledon and Dorking* and *Epsom and Leatherhead* Railway Companies, and for other Purposes.

iv. An Act for enlarging, improving, and maintaining the Harbour of the Burgh of *Kirkwall* in the County of *Orkney*, and for other Purposes.

v. An Act to alter, amend, and enlarge the Powers and Provisions of "The *Weymouth and Melcombe Regis* Markets and Pier Act, 1854."

vi. An Act to enable the *Sunderland and South Shields* Water Company to extend their Works, and obtain a further Supply of Water, and to raise additional Capital; and for other Purposes.

vii. An Act to repeal the existing Acts relating to the Bridge over the River *Foyle* at *Londonderry*, to authorize the Removal of the existing Bridge, and the Construction of a new Bridge, with Approaches thereto, and other Works; and for other Purposes.

viii. An Act for making a Railway from the *Inverness and Aberdeen Junction* Railway at or near *Kinloss* or *Findhorn*.

ix. An Act to authorize the Commissioners of the *Glasgow* Corporation Waterworks to raise a further Sum of Money; and to amend "The *Glasgow* Corporation Waterworks Act, 1855."

x. An Act for reviving the Powers and extending the Time for the Completion of the Railway and Works authorized by "The *Tralee and Killarney* Railway Act, 1853."

xi. An Act to grant further Powers to "The *Banff, Macduff, and Turriff Junction* Railway Company," and to change the Name of the Company.

xii. An Act to enable the *Formartine and Buchan* Railway Company to divert their Railway near *Ellon*, and to abandon the Branch to *Ellon*.

xiii. An Act for authorizing a Lease of the *Great Western and Brentford* Railway, and the Docks and Works connected therewith, to the *Great Western* Railway Company; and for other Purposes.

xiv. An Act for transferring the Government of the new Limits of the Harbour of *Whitehaven* in the County of *Cumberland* to the Harbour Trustees; for making better Provision for the Election of Trustees; and for the Alteration of certain Rates and Duties payable in respect of the said Harbour and in the Town of *Whitehaven*.

xv. An Act for regulating the Capital and Borrowing Powers of the City of *Norwich* Waterworks Company, and for making better Provision against the Waste of Water supplied by them; and for other Purposes.

xvi. An Act for making Docks and other Works in *Falmouth* Harbour in the County of *Cornwall*, and for other Purposes.

xvii. An Act to enable the Magistrates and Council of the City of *Glasgow* to lay out, maintain, and improve the *Kelvingrove* and *Queen's* Parks and the Galleries of Art and Corporation Halls in the said City; and for other Purposes.

xviii. An Act for better supplying with Water the Inhabitants of the Towns of *Kingstown, Monkstown, Dalkey, Bullock, Glasthule,* and the Neighbourhood thereof, in the County of *Dublin.*

xix. An Act to authorize the Abandonment of the *Foss* Navigation from a Point about Two hundred Yards above the *York* Union Workhouse near the City of *York;* to alter, repeal, and amend the Acts relating to the said Navigation; and for other Purposes.

xx. An Act to authorize the *Mersey* Docks and Harbour Board to raise a further Sum of Money for Works at *Liverpool.*

xxi. An Act for better supplying with Water the town of *Poole* and Places adjacent thereto, and for other Purposes.

xxii. An Act to dissolve the Accidental Death Insurance Company, and to transfer the Business of that Company to the Travellers and Marine Insurance Company, to be hereafter called "The Accidental Death Insurance Company;" and for other Purposes.

xxiii. An Act for making a Railway from the *Cork and Bandon* Railway to the Town of *Kinsale* in the County of *Cork,* with a Branch Railway or Tramway to *Kinsale* Harbour; and for other Purposes.

xxiv. An Act for building and maintaining a Pier in the Harbour of *Fishguard* in the County of *Pembroke,* and making and constructing a Road and Quay in extension of the present Quay in the Town of *Fishguard,* and deepening and otherwise improving the said Harbour.

xxv. An Act for changing the Name of "The People's Provident Assurance Society" to the Name "The *European* Assurance Society;" and for authorizing the taking of the Guarantee of the Society instead of other Security required from Persons in Public Offices and Employments; and for other Purposes.

xxvi. An Act to enable the *Scarborough* Gas Company to raise a further Sum of Money; and for other Purposes.

xxvii. An Act for making further provisions with respect to the *Standard* Life Assurance Company.

xxviii. An Act to enable the *East Suffolk* Railway Company to extend their Railway to *Aldborough* in the County of *Suffolk;* and for other Purposes.

xxix. An Act to extend the Time for the completion of certain Works of the *Victoria (London)* Dock Company, and for other Purposes.

xxx. An Act to grant further Powers to the *Commercial* Dock Company.

xxxi. An Act to enable the *Ballymena, Ballymoney, Coleraine and Portrush Junction* Railway Company to make a Junction Railway at *Coleraine.*

xxxii. An Act for making further Provision for the better Supply of Water to the Borough of *King's Lynn* and adjacent Districts; for regulating the Markets and Fairs of the Borough; for the Improvement and Regulation of the Borough; and for other Purposes.

xxxiii. An Act for constructing Market Houses and other Buildings, and making Market Places, and for better regulating and maintaining the Markets and Fairs, in or near the Town of *Tavistock;* and for opening a new Street and otherwise improving the said Town; and for other Purposes.

xxxiv. An Act to grant further Powers to the *Leominster and Kington* Railway Company.

xxxv. An Act to facilitate the Communication between the *Great Northern* Railway and the *North London* Railway; to improve the Station of the *Great Northern* Railway at *King's Cross;* and to enable the *Great Northern* Railway Company to make Arrangements with regard to certain Parts of their Capital and that of the *East Lincolnshire* Railway Company.

PRIVATE ACT,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPY MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize *Charles Frederick Clifton* Esquire and the Lady *Edith Maud* his Wife, and their Issue, to assume and bear the Surnames of "*Abney Hastings*" in lieu of the Surname of *Clifton,* and to bear the Arms of "*Abney*" and "*Hastings,*" in compliance with the Condition contained in a Settlement made by Sir *Charles Abney Hastings* Baronet, deceased, of certain Estates in the Counties of *Derby* and *Leicester.*

PRIVATE ACT,

NOT PRINTED.

2. AN Act to enable *Thomas Augustus Purdy,* Clerk, to exercise his Office of Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland.*

APPENDIX.

A BILL

TO

Amend the Laws relating to the Representation of the People of England and Wales, and to facilitate the Registration and Voting of Electors.

WHEREAS it is expedient to amend the Laws affecting the Representation of the People in England and Wales, and to afford increased Facilities for the Registration and Voting of Her Majesty's Subjects entitled to vote in the Election of Members to serve in Parliament: Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Male Person of full Age, and not subject to any legal Incapacity, who shall have any One of the several Qualifications herein-after specified, shall be entitled to be registered as a Voter, and to vote in the Election of a Member or Members for the County, or if within the Limits of a Borough, then in the Election of a Member or Members for the Borough where, in the Case of Qualifications arising out of Lands or Tenements, such Lands or Tenements shall be situate, and where in all other Cases such Persons shall reside.

The Qualifications above referred to are as follow:

1. Who shall be beneficially entitled, as Owner or as Mortgagee in Possession, at Law or in Equity, to an Estate of Inheritance in Lands or Tenements of Freehold Tenure, of the clear yearly Value, over and above all Charges and Incumbrances affecting the same, of not less than *Forty Shillings:*
2. Or shall be so beneficially entitled to an Estate of Inheritance in Lands or Tenements of Copyhold, or any other Tenure whatever, except Freehold, of such clear yearly Value, as aforesaid, of not less than *Five Pounds:*
3. Or shall be so beneficially entitled to an Estate for any Life or Lives in Lands or Tenements, of any Tenure, of such clear yearly Value, as aforesaid, of not less than *Five Pounds:*
4. Or shall be so beneficially entitled to a Term originally granted for not less than *Thirty* years in Lands or Tenements, of any Tenure, of such clear yearly Value, as aforesaid, of not less than *Five Pounds:*
5. Or shall occupy as Tenant any such Lands or Tenements of the clear yearly value of not less than *Ten Pounds:*
6. Or shall occupy any Apartments in, or Portion of a House, whether furnished or unfurnished, for which he shall have paid a Rent of not less than *Eight Shillings* per Week, or per Annum, to an Amount of *Twenty Pounds:*
7. Or shall be in the beneficial Enjoyment of a yearly Income arising from the Personal Property following, that is to say: From any Annuity granted by the Commissioners for Reduction of the National Debt, or any Dividends or interest from the Parliamentary Stocks, or Funds of the United Kingdom; or from the Stocks, Shares, or Bonds of the East India Company, or of the Bank of England, standing in his own Name, of not less Amount per Annum than *Ten Pounds:*
8. Or shall be in the beneficial Enjoyment of an Income arising from any Pension, Pay, or Superannuation Allowance, in respect of any past Employment by such Person, in any Department of Her Majesty's Naval, Military, East Indian, or Civil Service, and who shall no longer be permanently employed therein, amounting to not less per Annum than *Twenty Pounds:*
9. Or shall hold, and shall be beneficially entitled to, a Deposit in some Savings' Bank, established in England or Wales, under the Provisions of the Act of the Ninth Year of His late Majesty King George the Fourth, Chapter Ninety-two, to the Amount of *Sixty Pounds:*
10. Or shall possess one or other of the Qualifications following, that is to say:
    Who shall be a Graduate of any University of the United Kingdom;
    Or an ordained Priest or Deacon of the Church of England;
    Or a Minister of any other Religious Denomination appointed, either alone or with not more than One Colleague, to the Charge of any Chapel or Place of Worship, and officiating as the Minister thereof;
    Or a Barrister-at-Law, or Serjeant-at-Law, in any of the Inns of Court in England; or a Certificated Pleader or Conveyancer;
    Or a Certificated Attorney, or Solicitor, or Proctor in England and Wales;

Or a Member of the Medical Profession, registered under the Provisions of "The Medical Act," 1858;

Or a Schoolmaster, holding a Certificate from the Committee of Her Majesty's Council on Education:

11. Or who shall be entitled to be registered for any County, City, or Borough, in respect of any Estate for Life in Freehold Lands or Tenements, of which he shall be seised at the Time of the *passing of this Act*, or in respect of any Qualification, as Freeholder, Burgage Tenant, Burgess, Freeman, Liveryman, or otherwise, reserved or defined in the Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the Act of the Second Year of the Reign of His late Majesty King William the Fourth, Chapter Forty-five.

II. No Person shall be entitled to vote, as aforesaid, unless he shall have been duly registered according to the Provisions herein-after contained; and no Person shall be so registered in any Year in respect of his Estate or Interest in any Lands or Tenements, either of Inheritance, or for any Life or Lives, or for a Term of Years, as aforesaid, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof, for his own Use, for *Six* Calendar Months at least next previous to the *Twenty-fourth Day of June* in such Year: Provided always, that where any such Qualification shall come to any Person at any Time within such Period of *Six* Calendar Months, by Descent, Succession, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice in a Church, or by Promotion to any Office, such Person shall be entitled in respect thereof, to have his Name inserted in the List of Voters then next to be made, by virtue of this Act as herein-after mentioned; and no Person shall be so registered in any Year in respect of any Lands or Tenements occupied by him as Tenant, or in respect of any Apartments or Portion of a House occupied by him as aforesaid, unless he shall have been in the actual Occupation thereof for *Twelve* Calendar Months next previous to the *Twenty-fourth Day of June* in such year; and no Person shall be so registered in respect of any Annuity or Income as aforesaid, or in respect of a Deposit in any Savings' Banks as aforesaid, unless he shall have been in the Receipt of such Annuity or Income, or have had such Deposit standing in his Name for *Twelve* Calendar Months next previous to the *Twenty-fourth Day of June* in such Year; and no Person shall be so registered in respect of any such Annuity, Income, or Deposit, or in respect of any Educational Qualification as aforesaid, unless he shall have resided within the County or Borough in respect of which he claims to be so registered for *Twelve* Calendar Months next previous to the *Twenty-fourth Day of June* in such Year: Provided always, that no Person having Two or more Places of Residence shall be entitled to be registered as a Voter at more than One Place in respect of the same Qualification.

III. No Person shall be so registered in any Year, in respect of his Occupation of any Lands or Tenements situate in a Parish or Township in which there shall be a Rate for the Relief of the Poor as Occupier, unless he shall have been rated, in respect of such Premises, to all Rates for the Relief of the Poor made during the Time of his Occupation, so required as aforesaid, and shall have paid, on or before the *Twenty-fourth Day of June* in such Year, all the Poor Rates which shall have become payable in respect of such Lands or Tenements previously to the Twenty-fifth Day of December then next preceding.

IV. Every Person occupying any Lands or Tenements in any County or Borough shall have the same Right to claim to be rated to the Relief of the Poor as is given by the Thirtieth Section of the said Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, and the Provisions of the Act passed in the Fifteenth Year of Her Majesty, Chapter Fourteen, shall be applicable to all Persons so claiming, except that the *Twenty-fifth Day of December* and the *Twenty-fourth Day of June* shall be the Periods fixed, in lieu of the Fifth Day of January and the Twentieth Day of July respectively.

V. The Lands or Tenements in respect of the Ownership or Occupation of which any Person shall be entitled to be registered in any Year shall not be required to be the same Premises, but may be different Premises, owned or occupied in immediate Succession by such person during the *Six* Calendar Months, or *Twelve* Calendar Months, as the Case may be, next previous to the Twenty-fourth Day of June in such Year.

VI. Where any such Premises shall be jointly owned or occupied by more Persons than One, each of such Joint Owners or Occupiers shall be entitled to be so registered, in case the clear yearly Value thereof, as aforesaid, shall be sufficient, when divided by the Number of such Owners or Occupiers, to give to each of such Joint Owners or Occupiers, as the Case may be, a Sum of not less than the Amount before specified, as constituting a Qualification to Vote, in the Case of such Owner and Occupier respectively, but not otherwise: Provided always, that no greater Number of Persons shall be entitled to be registered in respect of any Freehold, Copyhold, or Leasehold Interest in the same Premises than shall be equal to Two Voters for every Single Tenement or undivided Plot of Land, unless they shall have derived the same by Descent, Succession, Marriage, Marriage Settlement, Devise, or Promotion as aforesaid, or unless they shall be bonâ fide engaged as Partners carrying on Trade or Business thereon.

VII. All such Enactments now in force as require the Payment by any Person of Assessed Taxes in order to entitle such Person to have his Name inserted in respect of the Occupation of any Premises in any List of Persons entitled to vote for any Borough, and so much of any Enactments now in force as require Assessors or Collectors of Taxes to deliver to Overseers Lists of Persons who have not paid the Assessed Taxes payable in respect of any Premises are hereby repealed.

VIII. In order to entitle any Person to be placed on any Register of Voters, in respect of his Occupation of Apartments in or the Portion of any House, such Person shall, on or before the *Twenty-fourth Day of July* in each Year send to the Overseers of the Parish or Township in which such House shall be situate a Claim, according to the Form numbered 5, in the Schedule B, to this Act annexed, with the Declaration therein contained, and signed and witnessed as therein required.

IX. The Governor and Company of the Bank of England, the Governor and Company of the Bank of Ireland, the Commissioners for the Reduction of the National Debt, and the East India Company, upon the Request of any Person who, at the Time of making such Request, shall for the *Twelve* Months next preceding the *Twenty-fourth Day of June* in any Year have received or have been entitled to receive any Annuity, or any Dividends or Interest to the Amount of *Ten Pounds*, in respect of Stock, Shares, or Bonds standing in the Name of such Person in the Books of such Commissioners or Company respectively, shall cause to be given to such Person a Certificate in the Form numbered 1 in the Schedule A, to this Act; and the Trustees or Managers of any Savings' Bank in England and Wales, upon the Request of any Person who shall have in such Savings' Bank a Sum of not less than *Sixty Pounds*, and which he shall have had deposited in such Bank for the *Twelve* Months next preceding the *Twenty-fourth Day of June* in any Year, shall cause to be given to such Person a Certificate in the Form numbered 2 in the said Schedule A to this Act; and every such Certificate shall have a distinguishing Number affixed thereto, and shall, on all Occasions touching the Right or Title of such Persons to be registered, be received as *prima facie* Evidence of the Facts therein mentioned, without Proof of the Signature, or of the official Character of the Person appearing to have signed the same.

X. In order to entitle any Person to be registered in respect of his yearly Income, derived from such Personal Property as aforesaid, or in respect of his being a Depositor in any Savings' Bank, such Person shall, on or before the *Twenty-fourth Day of July*, send in a Claim, with the Certificate before mentioned annexed, to the Overseers of the Parish in which he shall reside, in the Form numbered 6 in the Schedule B, to this Act, with the Declaration therein contained, and the Overseer of the Parish shall, on or immediately after the *Twenty-fourth Day of June* in every subsequent Year, so long as the Person so registered shall continue on the Register, send to the Commissioners, Company, or Savings' Bank giving such Certificate, addressed to the Secretary, a Circular, in the Form numbered 3 in the said Schedule B, and shall omit the Name of such Person from the List of Voters for the current Year, unless it shall appear, from the Answer received to such Circular, that the Person so registered continues to be possessed of such Qualification: Provided always, that any Person who shall continue to be possessed of the same Qualification for which his Name appears on the Register then in force, and who shall have been so omitted by the Overseers from the List of Voters in any Year, shall be entitled to claim to be inserted in the Supplemental List of Voters in manner hereinafter mentioned.

XI. The Circulars to be sent by the Overseers as aforesaid shall be transmitted through the Post, and the Commissioners or Company, or the Trustees of the Savings' Bank, respectively, receiving any such Circular, shall forthwith authorize some Officer or Clerk, on their Behalf, to return such Circular to the Overseers by the Post, with an Answer thereto, in the Form numbered 4 in the Schedule B to this Act.

XII. The Overseers shall keep such Certificates annexed to the said Claims, and also such annual Circulars, with the Answers thereto, and allow the same to be perused by any Person, without Payment of any Fee, and give Copies of the same in the like manner as herein-after provided with regard to Lists of Voters and Persons objected to; and the said Overseers shall produce the said Certificates annexed to the original Claims, and also such annual Circulars and Replies, to the Barrister appointed to revise the Lists for any County or Borough, at the same Time as they are by Law required to deliver the original Claims and Notices of Objection, and the Revising Barrister shall return all such Certificates and annual Circulars, with the Answers thereto, to the Overseers, who shall forthwith file the same, and keep all such Certificates and Circulars in some secure Place, and shall, at the Conclusion of their Year of Office, deliver the same to their successors in the said Office of Overseers, who shall in like Manner preserve and hand over the same to their successors.

XIII. In order to entitle any Person to be registered in respect of an Income arising from any Pension, Pay, or Superannuation Allowance, as aforesaid, or in respect of any One of the Educational Qulifications herein-before mentioned, such Person shall, on or before the *Twenty-fourth Day of July*, send to the Overseers of the Parish within which he shall reside a Claim, according to the Form numbered 7 in the Schedule B to this Act annexed.

XIV. If any Person shall wilfully give or make any such Certificate, or Answer to such Circular, as herein-before mentioned, falsely, or without due Authority, or forge, counterfeit, or alter any such Certificate or Answer, or any Signature thereto, or shall make Use of the same in support of any Claim to vote, or tender the same in Evidence, knowing the same to be false or counterfeit, or given without due Authority, or shall wilfully declare falsely in any Claim sent in by him under the Provisions of this Act, he shall be guilty of a Misdemeanor, and, on being convicted thereof, shall be liable to Imprisonment for a Term not exceeding *Two* Years, together with Hard Labour.

XV. No Person employed in any Government Arsenal, Dockyard, Yard, or Factory connected with Her Majesty's Army or Navy, shall be capable of giving his Vote at any Election for the County, City or Borough within which such Arsenal, Dockyard, Yard, or Factory shall be situate during the Time that he shall be so employed, and for *One Month* after he shall have quitted such Employment; and the Vote of such Person, if given, shall be utterly void and of none Effect, notwithstanding that the Name of such Person shall have been inserted in the Register in force at the Time of such Election; and any Person being so disqualified as aforesaid who shall vote at any such Election shall forfeit the Sum of *Twenty Pounds*, to be recoverable by any Person who shall sue for the same in any Action in any of Her Majesty's Courts of Record at Westminster.

XVI. For the Purpose of forming Registers of all Persons entitled to vote at any Election, in accordance with the Provisions of this Act, the Clerk of the Peace for every County, and the Town Clerk of every Borough, shall cause a sufficient Number of Forms of Precepts, Notices, Claims, Lists, and Circulars to be printed according to the respective Forms, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and of the Table of Fees, in the Schedule B to this Act; and shall also, on or before the *Twenty-fourth Day of*

May in every Year, make and cause to be delivered to the Overseers of the Poor of every Parish within his County, or within his Borough, as the Case may be, his Precept, according to the Form numbered 1 in the said Shedule B to this Act, together with a sufficient Number of the said printed Forms of Notices, Claims, Lists, and Circulars, and of the Copies of such Part of the Qualification Register of Voters then in force for such County or Borough as shall relate to such Parish, and of Copies of the said Table of Fees, for the Purposes hereinafter mentioned.

XVII. The Overseers of the Poor in every Parish shall, on or before the *First Day of June* in every Year, publish a Notice according to the Form numbered 2 in the said Schedule B to this Act, having first signed the same, stating that no Person will be entitled to have his Name inserted in the List of Voters for such Parish then next to be made in respect of the Occupation of any Lands or Tenements of the clear yearly Value of not less than *Ten Pounds*, situate wholly or in part within such Parish, unless he shall pay, on or before the *Twenty-fourth Day of June* then next ensuing, all the Poor Rates which shall have become payable from him in respect of such Premises previously to the *Twenty-fifth Day of December* then last past; and requiring all Persons entitled to vote at such Election in respect of the Occupation of Apartments, or the Portion of any House within such Parish; and all Persons resident within such Parish, and entitled to vote in respect of an Income derived from Personal Property, or from Pension, Pay, or Superannuation Allowance, or as Depositors in a Savings' Bank; and all Persons resident within such Parish or Township having any One of the Educational Qualifications entitling them under this Act to vote in respect thereof; and also all other Persons entitled to be registered who, though not herein required to send in a Claim, may think fit so to do, and who are desirous of having their Names inserted in the Register about to be made, to give or send to the said Overseers, or or before the *Twenty-fourth Day of July* then next ensuing, a Claim to vote, as aforesaid; and every such Person shall, on or before the said *Twenty-fourth Day of July*, deliver or send to the said Overseers a Claim, according to the Form applicable to his particular Qualification, and as set forth in that Behalf in the Schedule B to this Act.

XVIII. The Overseers shall, on or before the *Twenty-fourth Day of July* in every Year, make out, according to the Form numbered 9 in the said Schedule B, an alphabetical List of all Persons other than Freemen who, on or before the *Twenty-fourth Day of June* then next preceding, shall appear to be on the said Copy of the Qualification Register of Voters then in force for such County or Borough, omitting all Names against which the Letter A shall have been printed in such Register, according to the Provisions herein-after contained, or who shall, without being on the said Register and without making any Claim, be entitled to be registered in respect of any One of the several Qualifications herein-before specified, arising out of Lands or Tenements, or who shall in due Form, as herein prescribed, have claimed in respect of any One of the several Qualifications herein-before specified for which a Claim is required; and such List shall be called "The List of Voters," and in every such List the Christian Name and Surname of every such Person, with his Profession, Trade, or Calling, and the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, and the Name of the occupying Tenant of any Property so occupied, shall be written, and in the Case of Claimants the Particulars of the Qualification shall be set forth as the same are stated in the Claim; and the said Overseers, if they shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Voters is not entitled to have his Name upon the Register then next to be made, shall add the Word "objected" before the Name of every such Person on the Margin of such List of Voters; and the said Overseers shall also add the Word "dead" before the Name of any Person in the said List whom they shall have reasonable Cause to believe to be dead; and the Overseers shall cause a sufficient Number of Copies of such List of Voters, with all such marginal Additions as aforesaid, to be printed, and in such List all the Names which have not been taken from the Copy of the Register then in force, as aforesaid, shall be printed in italics, and they shall, on or before the *First Day of August*, sign and publish the same; and the said Overseers shall likewise keep a Copy of such List of Voters, with the marginal Additions respectively, as aforesaid, signed by them, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the First *Fourteen* Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by them, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table of Fees in the Schedule B to this Act: Provided always, that it shall be lawful for any Person entitled to be registered in respect of his Estate, or Interest in Lands or Tenements, to send to the Overseers of the Parish where such Lands or Tenements shall be situate, on or before the *Twenty-fourth Day of July*, a Claim according to the Form numbered 8 in the Schedule B. to this Act, or to the like Effect, if he shall so think fit.

XIX. The Town Clerk of every Borough shall, on or before the *First Day of August* in each Year, make out, according to the Form numbered 15 in the said Schedule B an Alphabetical List of all the Freemen of such Borough who may be entitled under the Provisions herein-before contained to vote in the Election of a Member or Members to serve in Parliament for such Borough, to be called "the List of Voters entitled as Freemen," together with the respective Places of their Abode, and shall sign such List, and cause Copies thereof to be printed, and shall publish the said List on or before the *First Day of August* in such Year, and shall likewise keep a Copy thereof to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first *Fourteen* Days after such Lists shall have been published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table of Fees in the Schedule to this Act.

XX. Nothing herein contained shall alter or affect the Mode of preparing and publishing the Lists of such of the Freemen of the City of London as are Liverymen of the several Companies entitled to vote in the Election of Members to serve in Parliament for the City of London.

XXI. Every Person not by this Act specially required to claim to be registered as aforesaid, whose Name shall have been omitted in any such List of Voters so to be made out as aforesaid, and who shall be entitled to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in the said List, or of correcting any Error as to Name, Place of Abode, or Description of his Qualification in such List, shall, on or before the *Twenty-fourth Day of August* in that Year, give a Notice according to the Form number 8 in the said Schedule B, or to the like Effect, to the Overseers of that Parish in the List whereof he shall claim to have his Name inserted, or if he shall claim as a Freeman of any Borough, then he shall in like Manner give to the Town Clerk of such Borough a Notice, according to the Form numbered 14 in the said Schedule B, or to the like Effect; and the Overseers and Town Clerks respectively shall include the Names of all Persons so claiming as aforesaid in Lists to be called "The Supplemental List of Voters," according to the Forms numbered 10 and 18 respectively in the said Schedule B; Provided always, that every Person so omitted and appearing upon the Supplemental List of Voters shall be required to prove his Right to vote, or the Fact required to be corrected, at the Court to be held by the Revising Barrister, or his Claim shall be disallowed; and such Revising Barrister, where any such Claim is made for the Purpose of correcting an Error or Misdescription in the said List of Voters, shall, upon due Proof being furnished to his Satisfaction, correct the same accordingly.

XXII. Any original or supplemental Claim made in respect of the Ownership or Occupation of any Lands or Tenements may be signed by any other Person on behalf of the Claimant: Provided that the Person so signing on behalf of another shall add his own Name and Place of Abode, and shall be liable to the Payment of Costs, as herein-after provided in the Case of Claimants, in the event of such Claim being decided by the Revising Barrister to be frivolous.

XXIII. Every Person whose Name shall have been inserted in any List of Voters for a County or Borough, may object to any other Person upon any List of Voters for such County or Borough as not having been entitled on the *Twenty-fourth Day of June* then next preceding to have his Name inserted in any List of Voters for such County or Borough, and every Person so objecting shall, on or before the *Twenty-fourth Day of August* in such Year, give or send by Post to the Overseers of the Parish or the Town Clerk of the Borough to which the List of Voters containing the Name of the Person so objected to may relate, as the Case may be, a Notice, according to the Form numbered 11 or 16 in the said Schedule B., or to the like Effect, and the Person, as well Overseers as others, so objecting, in the Manner herein-before mentioned, shall, on or before the *Twenty-fourth Day of August*, give to the Party so objected to, or send to him by Post, at his Place of Abode, as described in such List, a Notice, according to the Form numbered 14 in the said Schedule B, or to the like Effect; and every such Notice of Objection shall be signed by the Party or Overseer, as the Case may be, so objecting, and whenever the Place of Abode of the Person objected to, as described in the said List, shall not be in the Parish to which such List may relate, and the Name of the occupying Tenant of the whole or any Part of the qualifying Property, together with his Place of Abode, shall appear in such List, the Person so objecting shall also, on or before the same Day, give or send by Post to any such occupying Tenant, at his Place of Abode, a duplicate Notice signed as aforesaid.

XXIV. Every Person, as well Overseers as others, objecting in the Manner herein-before provided to the Name of any other Person, shall specify, in the Notice of Objection to be sent by him, the Grounds of Objection upon which he intends to rely, whether it be that he has not a Qualification entitling him to be registered, or that his Qualification or Place of Abode is not accurately described, and upon the Revision of the List before the Revising Barrister the Person so objected to shall not be required to give any Evidence in support of his Right to be registered, except in so far as the same shall have been disputed in such Grounds of Objection, and it shall not be competent for the Overseer or Party objecting to give any Evidence in support of any other Objection.

XXV. The Overseers shall include the Names of all Persons so objected to in a List, according to the Form numbered 13 in the said Schedule B, and the Town Clerk shall include the Names of all Person so objected to as Freemen in a List, according to the Form numbered 17 in the said Schedule B; and the said Overseers and Town Clerk, respectively, shall sign the same, and shall publish such Lists, and also the said Lists of supplemental Claims, on or before the *First Day of September*, and shall also keep Copies of the said Lists, and shall allow the same, and also the Notices of Objection which they shall have received, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first *Fourteen* Days of the said Month of September, and shall deliver a Copy of such Lists to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the said Table of Fees.

XXVI. On or before the *First day of September* in every year the Overseer of every Parish shall deliver to the Clerk of the Peace of the County, or to the Town Clerk of the Borough wherein such Parish is situate, the said List of Voters, with the marginal Additions thereto as aforesaid, and also the said List of supplemental Claims, and also the List of Objections respectively signed as aforesaid relating to their Parish.

XXVII. It shall be lawful for any Person whose name shall be on any List of Voters for the Time being for any County or Borough, and for any Person who shall have claimed to have his Name inserted in any such List, upon request made by such Person at any Time between the *Twenty-fourth Day of July* and the *Twenty-fourth day of August*, to inspect and make Extracts from the Rate Books in the Manner and between the Hours provided in the Sixteenth Section of the Act of the Sixth Year of Her Majesty, Chapter Eighteen.

XXVIII. At every Court to be holden by any

Revising Barrister for the Revision of any List of Voters, all Witnesses examined before him shall be examined upon Oath, and it shall be lawful for such Barrister at his Discretion to receive in Evidence Affidavits, solemn Affirmations or Declarations made before any Justice of the Peace or other Person authorized to administer Oaths in any of Her Majesty's Courts of Law or Equity, in support of any Right to be registered, or Objection thereto, or negativing the Grounds alleged in any notice of Objection to any Person on such List, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit, Affirmation, or Declaration to be so used, or when examined on Oath before any Revising Barrister at any Court holden as aforesaid, shall be guilty of a Misdemeanor, and subject to the Penalties of Perjury.

XXIX. And whereas it is provided in the Fortieth Section of the said Act passed in the Sixth Year of Her Majesty that no Evidence shall be given of any other Qualification than that which is described in the List of Voters or Claims, and that the Barrister shall not be at Liberty to change the Description of the Qualification as it appears in the List, except for the Purpose of more clearly and accurately defining the same: Be it enacted, That it shall be lawful for such Barrister to change the Description of the Qualification, and to amend the same, and to receive Evidence in support thereof, whenever he shall be satisfied that the Person whose Right is in question is entitled to be registered for such altered or amended Qualification, and that the Misdescription or Error was not made with the Intention to mislead any Person as to the Right of such Person to be registered.

XXX. The Revising Barrister shall write before the Names of all such Persons inserted on the List of Voters as are required to renew their Claims annually the Letter A, and in printing the Register in the Manner herein-after provided such Letter A shall be placed before the Name of such Person in the Register, and the Names of all such Persons shall be omitted in the ensuing Year from the List of Voters to be made by the Overseers as aforesaid, unless they shall have duly sent in their Claims in the manner herein-before provided.

XXXI. Every Clerk of the Peace for a County and every Town Clerk for any Borough, shall, upon the request of any Person objected to, or objecting to any other person, or their respective Agents, issue a Summons, according to the Form in the Schedule E to this Act, requiring the Attendance of any Witness to be named in such Summons to attend and be examined before such Revising Barrister, and every such Summons shall be served personally upon the Witness whose Attendance is required; and if any Person so summoned as a witness shall, after a Tender of reasonable Compensation for his Time and Expenses, neglect or refuse to appear before such Barrister at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Neglect or Refusal to be allowed by such Barrister, or if any Person so summoned shall appear but refuse to be examined or give Evidence before such Barrister, every Person so offending shall forfeit any Sum not exceeding *Five Pounds*, to be fixed by Order under the Hand of such Barrister, and to be recovered in the Manner provided in the Seventy-first Section of the said Act of the Sixth Year of the Reign of Her Majesty.

XXXII. In order to discourage frivolous and vexatious Claims and Objections: Be it enacted That the Power of the Revising Barrister to give Costs under the Forty-sixth Section of the said Act of the Sixth Year of the Reign of Her Majesty, shall be enlarged, so as to enable such Barristers to give Costs to the Extent of *Five Pounds* in the Cases therein provided.

XXXIII. Any Person objected to, and also any Person objecting to any other Person, as aforesaid, may send to the Overseers or other Person objecting, or to the Person objected to, as the Case may be, not less than One Week before the Time appointed for the Revision of the Lists by the Revising Barrister, a Notice stating that such Person objected to or objecting to any other Person does not intend to support his Right to be registered, or his Objection, as the Case may be; and in such Case no Claim for Costs shall arise.

XXXIV. The Lists of Voters for each County, signed by the Revising Barrister, shall be forthwith transmitted by him to the Clerk of the Peace of the County, and the Clerk of the Peace shall keep the said Lists among the Records of the Sessions, and shall forthwith cause the said Lists to be copied and printed in a Book, to be called "The Qualification Register," arranged with the Names in each Parish in strict alphabetical Order, according to the Surnames, and with every Polling Place or District in strict alphabetical Order, and with every Parish within such Polling District likewise in the same Order, and with a Number prefixed to the Name of each Person in regular Succession; and, in order to enable Voters to vote with less Trouble and Expense, the Clerk of the Peace, in addition to such Qualification Register, shall also make out and print in the said Book another Register, to be called "The Voting Register," wherein every Polling District, and every Parish in each Polling District, shall be arranged in strict alphabetical Order, and wherein, in each Parish, shall also be arranged in strict alphabetical Order the Name of every Voter residing in such Parish, with his Place of Abode as described in the said Lists, and before the Name of each Voter shall be placed the same Number as is affixed thereto in the Qualification Register, and the Names of all such Voters as shall reside out of such County shall be arranged together in the said Voting Register in strict alphabetical Order, to be headed "The List of Out-Voters or Non-Residents," and every such Qualification Register and Voting Register shall be printed in the Forms numbered 1 and 2 in the Schedule C to this Act, and shall be arranged in such Manner and Form that the List of Voters residing in each separate Parish or Township, and also the List of Out-Voters or Non-Residents, may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or for any Polling Place or District, or the List of every or any single Parish, may be ready for the Purposes of this Act, or for Sale; and the said Clerk of the Peace shall sign and deliver the said Voting Register, with the Qualification Register, on or before the *Thirty-first Day of December*, in the then current Year, to the Returning Officer of the County, to be by him and his Successors safely kept for the Purposes in the said recited Act of the Sixth Year of Her Majesty and this Act mentioned.

XXXV. The Lists of Voters for each Borough, signed by the Revising Barrister, shall be forthwith delivered to the Town Clerk of the Borough, who shall forthwith cause a Qualification Register and a Voting Register to be made out and printed from such Lists, in the Manner and according to the Directions hereinbefore provided, with regard to the County Lists of Voters, so far as the same are applicable, save that, instead of the Parishes, the Streets or Wards of such Borough shall be arranged therein in strict alphabetical Order, and the Name of each Voter residing in each such Street or Ward, with his Place of Abode, shall be so arranged, and the said Town Clerk shall sign and deliver the said Qualification Register and Voting Register on or before the *Thirty-first Day of December* to the Returning Officer of the Borough, to be by him and his Successors safely kept for the Purposes in the said recited Act of the Sixth Year of Her Majesty and this Act mentioned.

XXXVI. The said printed Books containing the Qualification Register and Voting Register so signed and delivered as aforesaid, shall be the Register of Persons entitled to Vote at any Election of a Member or Members to serve in Parliament which shall take place for such County or Borough during the Year commencing on the *First Day of January* then next, and ending on the *Thirty-first Day of December;* and every such Clerk of the Peace and Town Clerk shall keep printed Copies of their respective Registers, and shall deliver Copies of such Registers, or of any Part thereof, to any Person applying for the same, after the Rate contained in the Table of Fees in the Schedule B to this Act: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish without paying for the whole that relates to such Parish.

XXXVII. Every Voter inserted in such Voting Register as residing within the County or Borough shall vote at the Polling Place appointed for the Parish in which he shall be registered as residing, and not elsewhere; and every Voter inserted in such Voting Register as an Out-voter or Non-resident may vote at any Polling Place for such County or Borough, provided that every such Out-voter, upon tendering his Vote at any Election, shall be asked by the Returning Officer, or his Deputy, whether he has voted before, in Person or by Voting Paper, at such Election; and any Person making an untrue Answer to such Question, or who shall, without being asked such Question, vote a Second Time at such Election, shall be guilty of a Misdemeanor, and on being convicted thereof shall be liable to Imprisonment for a Term not exceeding *Two* Years, together with Hard Labour.

XXXVIII. The Justices of the Peace assembled at the Michaelmas Quarter Sessions to be holden next after the *passing of this Act* shall appoint proper and convenient Places for Polling in every County, so that there may be a Polling Place in every Parish or Township in which there shall be not less than *Two hundred* resident Electors, and a Polling Place for every Two or more Parishes or Townships in either of which separately there shall be less than *Two hundred* resident Electors, at some central or convenient Point at which, as nearly as possible, *Two hundred* Voters from such smaller Parishes or Townships may most conveniently attend to record their Votes; and the Places so selected by the Justices as the future Polling Places of the County shall forthwith be duly advertised as they shall think fit; and the Justices shall, from Time to Time, vary and alter such Polling Places as they shall think expedient, provided that it shall not be incumbent upon the Revising Barrister appointed to revise such Lists as aforesaid to attend at any Polling Places at which less than *Five hundred* Voters shall be appointed to poll.

XXXIX. At every contested Election for any County, unless some Building or Place belonging to the County shall be provided by the Justices for that Purpose, the Sheriff shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll at the Places so appointed by the Justices as aforesaid; and the Expense incurred by the said Sheriff in the Hire of Rooms, or erecting Booths for Polling, shall be paid to him by the Justices for such County out of the County Rate.

XL. And whereas it is expedient that an Appeal from the Decision of any Revising Barrister, contemplated by the Forty-second Section of the said Act of the Sixth Year of Her Majesty, should be granted in all Cases in which the same is demanded: Be it enacted, That the Revising Barrister shall in all Cases, upon Notice being given to him as provided in the said recited Act, state in writing the Facts which, according to his Judgment, shall have been established by the Evidence of the Case, and which shall be material to the Matter in question, and shall also state in Writing his Decision upon the whole Case, and also his Decision upon the Point of Law in question appealed against; and such Appeal shall be stated and dealt with in the Manner provided in the said recited Act passed in the Sixth Year of Her Majesty.

XLI. The Seventy-ninth Section of the said Act passed in the Sixth Year of Her Majesty is hereby repealed, and instead thereof be it enacted, That at any future Election of a Member or Members to serve in Parliament for any County or Borough, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

XLII. And whereas it is expedient to afford greater Facilities for Voting to Persons who at the Time of holding any Election shall be absent from or living beyond the Limits of the County or Borough in respect of which they are registered, or who shall desire to be relieved from attending in Person to vote at such Election: Be it enacted, That any Voter may after the issuing of the Writ for holding such Election, apply in Writing, either by himself or by some Person on his Behalf, to the Returning Officer for a Voting Paper, and in such Application shall be stated the Number attached to his Name in the Register, the Particulars of his Qualification as therein described, according to the Form Number 1 in the Schedule D to this Act, or to the like Effect, and the Returning Officer shall forthwith, upon the Receipt of such Request, fill up and transmit to the Voter, by a prepaid registered Letter through the Post, directed to him at the Address indicated in the Request, a Voting Paper in the Form and according to the Directions given in the Forms numbered 2 and 3 to the Schedule D to this Act annexed.

XLIII. Every Voter receiving such Voting Paper shall fill in his own Name, and also the Name or Names of the Candidate or Candidates at such Election for whom he intends to vote, and shall sign the same in the Presence of Two Witnesses, One of whom must be a Householder, such Witnesses shall, in addition to signing their Names, state their Profession, Trade, or Calling, and their Place of Abode.

XLIV. The Voting Paper, so signed and witnessed as aforesaid, shall be returned by the Voter signing the same, through the Post, as a prepaid registered Letter, directed to the Returning Officer from whom the same shall have been received, at the Address given by him in such Voting Paper.

XLV. The Returning Officer shall appoint a Deputy to receive all such Voting Papers at the Place to which they shall be so directed, and he shall give Notice to each Candidate of the Name of such Deputy, and of the Place where such Deputy will, on the Day of Polling, open such Voting Papers, in order that the said Candidates or their Agents may attend the said Deputy thereat, and such Deputy shall, between the hours of Eight o'clock in the Morning and Four o'clock in the Afternoon of such Day, and in the Presence of the Candidates or their Agents, if they shall think fit to attend, open the said Papers, and read out from each of them the Votes given for the several Candidates at such Election, and shall duly record such Votes in a Poll Book, as the same are given for such Candidates in such Voting Papers; and in adding up the Poll the Votes so given shall be reckoned in favour of the respective Candidates, together with the Votes given in Person at such Election; but no Voting Paper shall be opened which shall not have been delivered at the Place to which they shall be so directed as aforesaid before the close of the Poll.

XLVI. It shall not be lawful for the Returning Officer to reject any Voting Paper which he shall have received through the Post, and which shall have so arrived before the closing of the Poll, on account of any Informality in filling up the same, provided that such Paper shall purport to contain the Surname of the Candidate or Candidates for whom the Vote is intended to be given, and to have been signed in the Presence of Two Witnesses, duly witnessing the same, and that the Names of no more Candidates are inserted in such Voting Paper than such Voter would have been entitled to Vote for if he had voted in Person at such Election.

XLVII. All Voting Papers received and recorded by the Returning Officer at any such Election, as well as any Voting Papers which shall have been rejected by him for Informality, or as having arrived too late, shall be filed by him, and any Person shall be allowed to examine the same at all reasonable Times, and to have Copies thereof upon the Terms herein provided in the Table of Fees in Schedule B to this Act.

XLVIII. Any Person falsely personating any other Person whose Name appears on any Register of Voters for any County or Borough, whether such other Person shall then be living or dead, or falsely assuming to sign any Voting Paper in the Name of such other Person; and any Person counterfeiting the Name or Signature of any Witness to any Voting Paper, and every Person tendering or transmitting as genuine any false or counterfeit Voting Paper, or aiding in so doing, knowing the same to be false or counterfeit in any Particular, and any Person voting more than once at any Election for any County or Borough, either in Person or by Voting Paper, or by both, although no Question shall be put to him touching his Right to vote thereat, shall be guilty of a Misdemeanor, and on being convicted thereof shall be punishable by Fine or Imprisonment for a Term not exceeding *Two* Years, with or without Hard Labour.

XLIX. The Clerk of the Peace of every County, and the Town Clerk of every Borough shall, immediately after the *passing of this Act*, cause to be printed, and shall at all Times afterwards keep a sufficient Quantity of Voting Papers, in the Forms numbered 2 and 3 in the said Schedule D, in their respective Offices; and upon the issuing of a Writ for holding an Election for any County or Borough, the said Clerk of the Peace or Town Clerk shall deliver to the Returning Officer such Number of the said Voting Papers as he may require upon being paid the Cost Price of printing the same.

L. The Expenses incurred in printing such Voting Papers, and transmitting them to Voters, shall be charged by the Returning Officer to and shall be paid by the Candidate or Candidates at such Election in the Proportion in which the Voters to whom such Voting Papers shall have been issued shall have recorded their Votes in favour of such Candidate or Candidates respectively.

LI. The Provisions herein contained relating to Voting Papers shall extend and apply to the Voting at the Election of any Member or Members for the Universities of Oxford and Cambridge, so far as the same are applicable; and the Vice Chancellors of the said Universities respectively shall, upon the Request of any Person entitled to vote at any such Election, issue to such Person, in the Manner and at the Times herein-before provided, a Voting Paper, in the Forms numbered 2 and 3 in the Schedule D to this Act, or to the like Effect, and shall open and record the Votes therefrom, and otherwise deal with the same in the Manner herein-before provided.

LII. It shall not be lawful for any Candidate, at any Election, to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf and with his Authority, shall pay any Money on Account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of the "Corrupt Practices Prevention Act, 1854."

LIII. In all future Parliaments each of the Boroughs enumerated in the Schedule G to this Act annexed shall, from and after the End of this present Parliament, return One Member and no more to serve in Parliament.

LIV. The Southern Division of the County of Lancaster shall be divided and formed into Two Divisions; the West Riding of the County of York shall be divided into Three Divisions, and the County of Middlesex shall be divided into Two Divisions; and such Divisions of the County of Lancaster, of the West Riding of the County of York, and of the County of Middlesex, shall consist of the Hundreds, Wapentakes, and Parishes respectively as described in the Schedule H to this Act annexed, and in all future Parliaments there shall be *Two* Knights of the Shire to serve for each of such Divisions; and the Court for the Election of Knights of the Shire for each of such Divisions shall be holden at the Place named for that Purpose in the said Schedule H, and all Enactments now in force applicable to Divisions of Counties returning Knights of the Shire to serve in Parliament, and all Enactments hereinafter contained applicable to such Divisions of Counties, shall be deemed and taken to extend and apply to the Divisions constituted as aforesaid.

LV. Each of the Places named in Schedule I. to this Act annexed shall, for the Purposes of this Act, be a Borough, and shall as such Borough be comprised within the Boundaries and shall include the Places specified in the said Schedule I., in connection with such Borough, and each of the said Boroughs named in the said Schedule I. shall, from and after the *End of the present Parliament,* return One Member to serve in Parliament.

LVI. In each of the Boroughs named in the Schedule I. to this Act annexed which are now incorporated, or within which there shall be any incorporated Place, the Mayor or other chief Municipal Officer for such Borough or Place for the Time being shall be the returning Officer for such Borough, and in each of the Boroughs in the said Schedule I. which are not now incorporated, and in which there shall be no incorporated Place, the Sheriff for the Time being of the County in which each of such unincorporated Boroughs is situate shall, within *Two* Months after the passing of this Act, and in every succeeding Year in the Month of *March,* by Writing under his Hand, to be delivered to the Clerk of the Peace of the County, and to be by such Clerk of the Peace filed and preserved with the Records of his Office, nominate and appoint for such respective Borough a fit Person, being resident therein, to be, and such Person so nominated and appointed shall accordingly be, the Returning Officer for such respective Borough until the Nomination to be made in the succeeding Month of *March;* and the Provisions contained in the Eleventh Section of the said Act of the Second Year of King William the Fourth providing for the event of the Death or Incapacity of any Person appointed as Returning Officer for any Borough, and exempting any Person so appointed from serving again in the same Office, and disqualifying certain Persons from being so appointed, and Persons so appointed from being appointed Churchwardens or Overseers, and providing for the Case of a Charter of Incorporation being granted to any Borough, shall extend and be applicable in relation to the Nomination and Appointment of Returning Officers for the said unincorporated Boroughs in the said Schedule I. to this Act, and the Returning Officers to be nominated and appointed for the same under this Enactment; and for the Purposes of this Provision the Borough of Staleybridge shall be deemed to be situate in the County of Chester.

LVII. And whereas, in the Case of divers Boroughs returning a Member or Members to serve in Parliament, the Population properly belonging to such Boroughs has extended beyond the Parliamentary Limits thereof, and a large Proportion of the Inhabitants of the Towns or Places comprising such Boroughs are without any Voice in the Election of the Member or Members for such Boroughs: And whereas it is desirable that in all such Cases the Boundaries of Boroughs should be so enlarged as to comprise within them every Part of the Population substantially forming Part of such Boroughs: Be it enacted, That the "Inclosure Commissioners" for England and Wales shall, immediately after the *passing of this Act,* appoint special Assistant Commissioners, who shall forthwith visit every Borough in England and Wales, and examine the Boundaries of such Borough, and the Location of the Inhabitants, and the said Inclosure Commissioners shall, on or before the *First day of January* next after the passing of this Act, report to Her Majesty's Secretary of State for the Home Department whether any Enlargement of the present Boundaries of such Boroughs is necessary, in order to include within the Area thereof the Population properly belonging to such Boroughs respectively, and in such Report shall propose such new Boundaries as in their Judgment would effect that Object, with the View of being submitted to Parliament in the ensuing Session: and the Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Boroughs, and shall, by personal Inspection and such other Means as they shall think necessary, possess themselves of such Information as will enable them to make such Report and Recommendation as aforesaid.

LVIII. Every Person on whom, under the Provisions herein-before contained, a right of Voting at any Election for any County or Borough is conferred, shall, subject to the Conditions affecting such Right, be entitled to vote at any Election of a Member or Members to serve in Parliament for such County or Borough, which shall take Place after the *Thirty-first Day of December One thousand eight hundred and fifty-nine,* and subject to the Conditions affecting his Right to be registered in any Year, shall be entitled to be registered in any Register of Voters to be formed for such County or Borough in or after the Year *One thousand eight hundred and fifty-nine.*

LIX. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and fifty-nine,* notwithstanding the Continuance of this present Parliament, for or in respect of the several new Divisions of Counties and the Boroughs constituted by this Act in like Manner as if they were respectively Divisions of Counties and Boroughs now returning Members to serve in Parliament.

LX. If by reason of a Dissolution of the present Parliament, or by any Avoidance of a Seat therein which may take Effect after the *passing of this Act,* and before the Day at and from which the Registers of Voters to be framed under the Provisions of this Act shall be in force, in such Case such Persons only shall be entitled to vote at any Election for any County or Borough now returning Members to serve in Parliament as are upon the Registers in force for such County or Borough at the Time of such Dissolution or Avoidance.

LXI. If a Dissolution of the present Parliament shall take Effect after the *passing of this Act,* before the Day at and from which the Register of

Voters to be framed under the Provisions of this Act shall be in force, in such Case the Writs for the new Divisions of Counties and the new Boroughs hereby created shall not be issued until the Time when such Registers shall be in force.

LXII. If this Act shall not be passed before the Day fixed therein for the issuing of a Precept by the Clerk of the Peace, or Town Clerk, to the Overseers, then and in such Case such Precept shall be issued by such Clerk of the Peace, or Town Clerk, respectively, to the Overseers of the Poor, on such Day as Her Majesty shall, by and with the Advice of Her Privy Council, order and direct; and all Notices shall be published, and all other Acts, for the Purpose of forming a complete Register of Voters for every County and Borough, according to the Provisions of this Act, shall be done on the several Days specified in such Order in Council in lieu of the Days hereinbefore specified; and such Order shall provide for the same Intervals between the several Acts necessary to be done in the formation of the Register of Voters, as are by this Act provided between the several Days herein named.

LXIII. So much of the several Acts of Parliament mentioned in the Schedule F to this Act as is specified concerning the same Acts respectively in the Third Column of the said Schedule, shall be and is hereby repealed.

LXIV. So much of the Act of the Sixth Year of Her Majesty as is not hereby repealed shall, as amended by this Act, be applicable for the Registration of Persons entitled to vote, and to the Rights of voting, and to Proceedings in the Elections of Members to serve in Parliament under this Act, as if the several Enactments herein contained relating to the Matters contained in the said recited Act had originally been inserted in and formed Part of the said recited Act.

LXV. No Person shall be entitled to be registered, or to vote at any Election of a Member to serve in Parliament, unless he shall have some One of the Qualifications herein-before defined; and, subject to the Provisions of this Act, all Laws, Statues, Usages, Provisions, and Penalties now in force respecting the Registration of Voters and Election of Members to serve in Parliament for England and Wales not hereby repealed, shall be and remain in full Force.

LXVI. All Writs to be issued for the Election of Members to serve in Parliament, and all Notices and other Proceedings consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of the Act into Effect.

LXVII. This Act shall not extend to Scotland or Ireland, nor shall it extend to either of the Universities of Oxford or Cambridge, except as herein-before provided in regard to Voting Papers.

LXVIII. Whereas by the Act of the Sixth Year of the Reign of Queen Anne, Chapter Seven, all Persons appointed to Offices of Profit under the Crown, and thereafter duly elected as Members of the House of Commons, are required to vacate their Seats upon their Acceptance of any other Office of Profit under the Crown, and it is expedient to alter the Laws in this respect: Be it therefore enacted, That if any Person appointed to any Office of Profit under the Crown, and thereafter duly returned as a Member of the House of Commons, shall, while he continues to be such Member, accept any Office of Profit under the Crown (except an Office which by Law incapacitates the Holder thereof from being elected or from voting in Parliament), the Acceptance of such other Office shall not render the Election of such Person void, nor shall any Writ thereupon issue for a new Election.

LXIX. Throughout this Act, and in the Schedules hereto, the following Words shall have the Meanings respectively given to them in this Section, except there be something in the Subject or Context inconsistent with or repugnant to such Meaning:

The Word "County" shall include any County, Riding, Parts or Division of a County in England and Wales:

The Word "Borough" shall include any City Borough, City, or Town, being a County of itself, Town Corporate, Cinque Port, District, Place or Places, within England or Wales, returning a Member or Members to serve in Parliament, and every Place sharing therewith in such Election, and the Town of Berwick-on-Tweed;

The Words "Clerk of the Peace" shall comprehend and apply to any Deputy or other Person executing the Duties of such Clerk of the Peace:

The Words "Town Clerk" shall extend to and include any Person executing the Duties of Town Clerk, or if in any City or Borough there shall be no such Officer as Town Clerk, then to any Officer executing the same or like Duties as usually devolve upon the Town Clerk, or if in any City or Borough there be no such Person, then to the Returning Officer of such City or Borough, or to such Person as the Returning Officer may appoint for that Purpose, which he is hereby authorized to do, and the Town Clerk for the Borough of Newport, in the Isle of Wight, shall, for the Purposes of this Act, be taken to be the Clerk of the Peace for the County of the Isle of Wight:

The Word "Member" shall include a Knight of the Shire:

The Word "Election" shall mean the Election of any Knight or Knights of the Shire, or any Member or Members to serve in Parliament:

The Words "Returning Officer" shall include the Sheriff of any County, and apply to every Person or Persons to whom, by virtue of his or their Office, under any Law, Custom, or Statute, the Execution of any Writ doth or shall belong for the Election of a Member or Members to serve in Parliament, by whatever Name or Title such Person or Persons may be called:

The Word "Parish" shall extend to and mean every Parish, Township, Village, Hamlet, District, or Place maintaining its own Poor:

The Word "Overseers" shall include all Persons who, by virtue of any Office or Appointment, shall execute the Duties of Overseers of the Poor, by whatever Name or Title such Persons may be called, and in whatever Manner they may be appointed, and all Matters by this Act directed to be done by the Overseers of a Parish or Township may be lawfully done by the Majority of such Overseers:

The Words "List of Voters" shall mean the

List of Voters for the Election of a Member or Members to serve in Parliament:

The Word "Register" shall mean the Register of Voters entitled to vote in the Election of a Knight or Knights of the Shire, or a Member or Members to serve in Parliament for any County, City, or Borough:

The Words "Revising Barrister" shall mean the Revising Barrister or Barristers appointed to revise the List of Voters for any County, City, or Borough.

LXX. In citing this Act in any Instrument, Document or Proceeding, or for any Purpose whatsoever, it shall be sufficient to use the Expression "The Parliamentary Representation Act, 1859."

SCHEDULE A.

FORM No. 1.—*Certificate of Ownership of Yearly Income from Personal Property.*

CERTIFICATE No.

I of being an Officer of the [Governor and Company of the Bank of England [*or* Ireland] *or* of the Commissioners for the Reduction of the National Debt, *or* of the East India Company] authorized for that Purpose, do hereby certify that of has been during the last *Twelve* Months entitled to an Income of not less than £ derived from [insert Description of Annuity, Stock, &c., as the Case may be], standing in his own Name, and that such [Annuity, Stock, &c.] has been so standing in the Name of the said ever since the *Twenty-fourth Day of June* in last Year.

Dated this Day of 18 .

Signature and Description of Officer Signing } ________________

Official Address ________________

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate, which is to be quoted in all future Reference to such Certificate.

The Certificate must be issued subsequently to the *Twenty-fourth Day of June*, in Time for Delivery by the Claimant to the Overseer prior to the *Twenty-fourth Day of July*.

FORM No. 2.—*Certificate of Deposit in Savings' Banks.*

CERTIFICATE No.

We, the undersigned, being Two of the Trustees [*or* Managers] of the Savings' Bank, *or* I, the undersigned (being an Officer appointed and authorized by the Trustees [*or* Managers of the Savings' Bank for that Purpose), do hereby certify that of has a Sum of not less than £ deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank ever since the *Twenty-fourth Day of June* in last Year.

Dated the Day of 18

Signature and Description of Persons signing. ______________________

Official Address ______________________

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the *Twenty-fourth Day of June*, in Time for Delivery by the Claimant to the Overseer prior to the *Twenty-fourth Day of July*.

SCHEDULE B.

FORM No. 1.—*Form of Precept.*

County *or* Borough } of (to wit.)

To the Overseers of the Poor of the Parish [*or* Township] of

IN pursuance of the Provisions of the Act of Parliament of the Vict. Cap. I require your attention to the following

INSTRUCTIONS.

1. On or before the First Day of June you are to publish a Notice, signed by you, according to the Form marked No. 2 among the printed Forms herewith sent.

The Manner in which you are required to publish that Notice is as follows; (that is to say)—

You are to fix one of the printed Copies (each Copy being first signed by you) on or near the Outside of the outer Door, or of the outer Wall near the Door, of every Church and public Chapel in your Parish [*or* Township], including Chapels which do not belong to the Established Church; or if there should be no such Church [or Chapel,] then in some public or conspicuous Situation in your Parish *or* Township, and it must remain there during a Period including Two Sundays at least.

2. You are to procure printed Copies of the several Forms of Claims Nos. 5, 6, 7, and 8, Specimens of which are herewith sent, and keep the same ready to be delivered to any Person applying for the same on Payment of the Sum of One Penny for each such Form.

3. On or immediately after the *Twenty-fourth Day of June* in each Year you are to fill up the Circulars sent herewith, Nos. 3 and 4, with the Names, Places of Abode, and Particulars of Qualification, and Number of Certificate of all Persons whose Names appear upon the Copy of the Register herewith sent as entitled to vote in respect of a yearly Income derived from a Government Annuity, or Money in the Funds, or in Bank Stock, or East India Company's Stock, or in respect of a Deposit in a Savings' Bank, which Information you can obtain from the original Certificates in your Possession; and you are to transmit such Circulars through the Post to the Secretary of the Bank of England, or other public Body, as the Case may be, and you are to omit the Name of such Person in making up your List of Voters for the current Year, unless it shall appear from the Answer received to such Circular that he continues to possess the Qualification for which he is now registered.

4. On or before the *Twenty-fourth Day of July* you are to make out an alphabetical List in the printed Form of List herewith sent, No. 9, called "The List of Voters."

In such List you are to insert—

First, the Names of all Persons whose Names shall appear on the Copy Register herewith sent, with such Omissions as before directed; and also with the Omission of all the Names appearing on the said Copy Register against which the Letter A shall have been printed

Secondly, the Names of all Persons who, from the Rate Books or other Sources of Information in your Power, shall be known to you to be entitled to be registered as Voters for the County [*or* Borough] in respect of their being—

Owners or Mortgagees in possession for an Estate of Inheritance in any Freehold Lands or Tenements, situate wholly or in part within your Parish, of the clear yearly Value of not less than *Forty Shillings;*

Or for an Estate of Inheritance in any Copyhold Lands or Tenements so situate of such clear yearly Value of not less than *Five Pounds ;*

Or for an Estate for any Life or Lives in any Freehold or Copyhold Lands or Tenements so situate, of such clear yearly Value of not less than *Five Pounds ;*

Or for any Term originally granted for not less than Thirty Years in any Freehold or Copyhold Lands or Tenements so situate, of such clear yearly Value of not less than *Five Pounds ;*

Or who may be so entitled in respect of the Occupation of any such Lands or Tenements of the clear yearly Value of not less than *Ten Pounds ;*

whether such Persons shall, or shall not, previously to the said *Twenty-fourth Day of July*, have sent in to you any Claim to vote in respect thereof.

5. You are also to include in such List the Names of all Persons who, on or before the said *Twenty-fourth Day of July* shall have delivered or sent to you their Claims to vote in respect of their Occupation of Apartments, or the Portion of any House, whether furnished or unfurnished, within your Parish or Township, or in respect of their being resident within your Parish or Township, and in the beneficial Enjoyment of an Income derived from Personal Property, or from Pension, Pay, or Superannuation Allowance, or Depositors in a Savings' Bank, or possessed of any One of the educational Qualifications entitling him to vote in respect thereof.

6. And if your Parish is situate in a City or Borough where there are any reserved Rights of voting, as Freeholder, Burgage Tenant, or otherwise (except Freemen), you are to include the same in such List of Voters.

7. And in making out such List your are to write in the proper Column of the printed Form of List (herewith sent), No. 9, the Christian Name and Surname of every such Person at full Length, together with his Profession, Trade, or Calling, and his Place of Abode, and the Nature of his Qualification ; and when the Qualification of any Person shall be in respect of any Land or Tenements in your Parish or Township, or the Occupation thereof, you must state the Name of the Street, Lane, or other like Place, and the Number of the House, if any, or other Description of the Place where such Property may be situate, and the Name of the occupying Tenant ; and in the Case of all Persons who have delivered or sent to you, as aforesaid, their Claims to vote, the Particulars of the Qualification of each Person shall be set forth in such List, as the same are stated in the Claim.

8. If you have reasonable Cause to believe that any Person whose Name shall appear in such List in respect of a yearly or other Income, or a Deposit in a Savings' Bank, or a Personal Qualification, has ceased to reside in your Parish or Township, or that any other Person whose Name shall appear on such List is not entitled to have his Name in the new Register about to be made, you are to add the Word "Objected" before his Name in the Margin of the said List of Voters ; and you are also to add the Word "Dead" before the Name of any Person whom you shall have reasonable Cause to believe to be dead. Having done this, you are to sign the said List, and to cause a sufficient Number of Copies thereof, with your marginal Additions, to be printed, and in order to distinguish all Names newly added to the List from those which appeared on the Register for the previous Year, you are to take especial Care that every Name inserted on such List which is not on the Copy of the Register sent herewith, and the Name of every Person sending in a renewed Claim, is printed in Italics ; and then, on or before the First Day of August you are to publish Copies of the said List on every Church and Chapel in your Parish or Township in the same Manner as herein-before mentioned with regard to the Notice.

9. You shall, on or before the *Twenty-fourth Day of August*, give or send by Post to every Person, at his Place of Abode, described on such List, to whom you shall have objected as aforesaid, a Notice according to the Form No. 12, sent herewith, and you must retain a Copy of such Notice, to be delivered to the Revising Barrister.

10. You are to keep Copies of the said List with your marginal Additions and Alterations thereon, signed by you, and allow them, as also all Claims and Certificates of the Possession of Income derived from Personal Property, or of a Deposit in a Savings' Bank, and all Replies to your annual Circulars in relation thereto, to be perused by every Person desirous of perusing them at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the afternoon of any Day, except Sunday, during the First *Fourteen* Days after you have published them, without Payment or Demand of any Fee, and you are also to deliver Copies of the said List, signed by you, to any Person applying for the same, on Payment of a Price for such Copy after the Rate contained in the Table of Rates of Payment herewith sent.

11. You are also to make out the List according to the Form numbered 10 (herewith sent), called "The Supplemental List of Voters," containing the Name of every Person who shall have given to you, on or before the *Twenty-fourth Day of August*, his claim to have his Name inserted in the said List, in consequence either of his Name having been wholly omitted by you in the List of Voters already published, or of any Inaccuracies that may appear in the Description of his Name, Place of Abode, or Qualification as inserted therein.

12. You are also to make out another List, according to the Form numbered 13 (herewith sent), called "The List of Objections," containing the Name of every Person against whom a Notice of Objection shall have been given to any one of you on or before the *Twenty-fourth Day of August* as not being entitled to have his Name retained in the said List of Voters, and, on or before the *First Day of September*, you are to sign and publish each of such last-mentioned Lists on every Church or

Chapel in your Parish or Township, in the same Manner as before mentioned with regard to the Notice.

13. You are to keep Copies of these Lists signed by you, and you are to allow the same and also the Claims and Notices of Objection to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the First *Fourteen Days of September*, and you are to deliver a Copy of each of such Lists to any Person requiring the same, on the Payment of a Price for each Copy after the Rate contained in the Table of Rates of Payment herewith sent.

14. And if you shall find any such Notice or List published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same Effect in its Place.

15. On or before the *First Day of September* you are to deliver to the Clerk of the Peace of the County, or Town Clerk of the Borough, wherein your Parish [*or* Township] is situate, as the Case may be, signed by you, "The List of Voters," and also "The Supplemental List of Voters," made by you, and also "The List of Objections." You are to attend the Court to be holden by the Barrister appointed to revise the Lists relating to your Parish or Township, of the Time and Place of holding which Notice will be sent to you, and you are there to produce to the Barrister holding such Court the original Notices of Claim, the several Lists made by you, the original Notices of Objection given to you, and the Copies of those sent by you, and also the Certificates of Income from Personal Property, and of Deposit in any Savings Bank, delivered or sent to you as aforesaid, with your annual Circulars and Replies relating thereto.

16. You are to receive back from the Revising Barrister the Certificates and annual Circulars and Replies produced by you, and you must preserve the same, and hand them over to such Successors on the Termination of your Year of Office. Herein if you fail you will be liable to the Penalties in that Case provided. Given under my Hand, this Day of 18 .

Clerk of the Peace for the
County of
or
Town Clerk for the Borough
of

FORM No. 2.—*Notice to be given by the Overseers.*

County of *or* Borough of } ______ (to wit)

We hereby give Notice, that no Person will be entitled to have his name inserted in "The List of Voters" for this Parish or Township now about to be made in respect of the Occupation of Premises of the clear yearly Value of *Ten Pounds*, situate wholly or in part within this Parish [*or* Township], unless he shall pay on or before the *Twenty-fourth Day of June* all the Poor Rates which have become due from him in respect of Such Premises previously to the *Twenty-fifth day of last December*, and all Persons who omit to make such Payments will be incapable of being upon the next Register of Voters.

And we hereby further give Notice, that all Persons entitled to vote in the Election of a Member of Parliament for the County [*or* Borough] of in respect of the Occupation of Apartments, or the Portion of any House within this Parish [*or* Township], and all other Persons resident in this Parish [*or* Township], who are not now on the Register, and who are entitled to vote in such Election, in respect of Income derived from Personal Property, or from Pension, Pay, or Superannuation Allowance, or as Depositors in a Savings' Bank, or as being possessed of any educational Qualification entitling him to vote in respect thereof, are hereby required to give or send to us, or One of us, on or before the *Twenty fourth Day of July* in this Year, a Notice in Writing by them signed, in which their Name and Surname at full Length, their Profession, Trade or Calling, and their Place of abode, and the Particulars of their Qualification must be legibly written, according to the respective Forms applicable to such several Qualifications, and with the Declaration duly signed.

Every Person claiming to vote in respect of his Occupation of Apartments, or the Portion of any House, must renew his Claim, notwithstanding that he possesses the same Qualification as described in the Register.

Any Person now upon the Register who shall not retain the same Qualification, or continue in the same Place of Abode as described in such Register, must send in his Claim for such altered Qualification or Place of Abode; and any Person entitled to be placed upon the List of Voters in respect of the Ownership of, or being interested in, Lands or Tenements situate wholly or in part within this Parish, may also send in a Claim if he thinks fit.

And we further give you Notice, that any Person can obtain from us the proper Form of Claim applicable to his Qualification upon Payment of the Sum of *One Penny* for each such Form.

Dated this Day of June, in the Year 18

A
B } Overseers of the Parish [*or* Township] of
C

FORM No. 3.—*Yearly Circular of Overseers to ascertain if Claimant in respect of Personal Property, or Deposit in Savings' Bank, continues qualified.*

County of *or* City [*or* Borough] of } Parish *or* Township of }

Name.	Nature and Particulars of Qualification.	Distinguishing Number of Certificate.

Sir,

I request you to inform me if the above-named Person, whose Claim to vote was originally admitted upon your Certificate numbered as above, continues to be qualified as above-mentioned.

Dated the Day of 18

Your obedient servant,

To the Secretary of } Signed ________________ Overseer.

________________ Address and Post Town.

NOTE.—This and the annexed Form, No. 4, printed on One Sheet, is to be sent by the Overseers through the Post, on or immediately after the *Twenty-fourth Day of June* in each Year, directed to the official Address mentioned in the Certificate.

FORM No. 4.—*Reply to annexed Circular.*

CERTIFICATE No.

Sir,

In reply to your Circular, I beg to inform you, that of does [or does not] now possess the Qualification described in the Certificate to which you refer.

Your obedient Servant

Signature and Description of Officer - - - } ________________

Official Address ________________

The Overseer of the Parish of ________________

________________ Post Town.

NOTE.—This and the annexed Form, No. 3, is to be returned in one entire Sheet by the Post to the Overseer, at the Address given by him, before the *Twenty-fourth day of July.*

OVERSEER'S CIRCULAR.

To the Secretary of the

VOTER'S CERTIFICATE.

The Overseer of

FORM No. 5.—*Claim of Lodger or Part Occupier.*

County of
or
City [*or* Borough] of

To the Overseers of the Parish [*or* Township] of

I hereby claim to be inserted in the List of Voters, in respect of the part Occupation of the undermentioned House, and the Particulars of my Qualification are stated in the Columns below:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number, of House and Name of Street (if any).	Nature and Particulars of Qualifications (See Note *a*).	Name of Landlord or other Person to whom Rent has been paid during Twelve Months.

Note (*a*). If the Claim be in respect of Lodgings, insert the Word "Furnished" or "Unfurnished Apartments." If in respect of Offices, Counting-house, Workshop, &c., insert such Description, in each Case specifying Number of House and Name of Street, &c. (if any), in which Apartments be situate.

I the above-named do solemnly declare, That I have occupied, at a Rent amounting to not less than *Eight Shillings* a Week, the Portion of the House above described ever since the Twenty-fourth Day of June, and that during such Period I have bonâ fide paid Rent to the said in respect of such Occupation to the Amount of *Twenty Pounds.*

Dated the Day of

Signature of Claimant

Witness to the Signature of the said

And I certify my Belief in the Accuracy of the above Claim.

Name of Witness

Residence and Calling

FORM No. 6.—*Claim in respect of Personal Property.*

County of
or
City [*or* Borough of

To the Overseers of the Parish [*or* Township] of

I hereby claim to be inserted in the List of Voters in respect of Personal Property, and the Particulars of my Place of Abode and Qualification are stated in the Columns below:—

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification. (See Note *a*).	No. of Certificate annexed. (Note *b*).

Note (*a*). When the Claim is in respect of a yearly Income from personal property insert under this Head "Income from Personal Property," and the Description of the Annuity, Stock, &c., from which the Income is derived: when the Claim is in respect of the Claimant being a Depositor in a Savings' Bank, insert under this Head "Depositor in Savings' Bank," with the Name of the Savings' Bank in which he has the required Deposit.

(*b*). Insert the Distinguishing Number of the annexed Certificate.

I do solemnly declare, That I am the same Person as is described as of in the annexed Certificate, and that the Qualification therein mentioned belongs to me, for my own Use and Benefit; and that I have resided within the said for the space of *Twelve* Months next preceding the *Twenty-fourth Day of June* last; and that I have not claimed to be inserted on the List of Voters for any other Parish or Township in respect of the above Qualification.

Dated the Day of 185

(Signed) ______________________

This Claim must bear Date subsequent to the *Twenty-fourth Day of June*, and must be delivered to the Overseer, with the Certificate of Ownership annexed (Schedule A), prior to the *Twenty-fourth Day of July.*

FORM No. 7.—*Claim in respect of a Pension, Superannuation, &c., or of an Educational Qualification.*

County of
or
City [*or* Borough] of

To the Overseers of the Parish [*or* Township] of

I hereby claim to be inserted in the List of Voters, and the Particulars of my Place of Abode and Qualification are stated in the Columns below:—

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode.	Nature and Particulars of Qualification (*a*).

(*a*) Where the Claim to vote is in respect of Pension, or other like Payment, insert under this Head the Nature of the Payment, and the Employment, or Office, or Service in respect of which the same is payable.

Where the Claim is in respect of an Educational Qualification, insert the Particulars of such Qualification.

I, the above-named do solemnly declare, That I am qualified as above described, and that I have resided within the said for the Space of *Twelve* Months next previous to the *Twenty fourth Day of June* last, and that I have not claimed to be inserted on the List of Voters for any other Parish [*or* Township] in respect of the above Qualification.

Dated the Day of 18

Signed______________________

FORM No. 8.—*Claim to Overseers to be inserted on the List of Voters, or on the Supplemental List of Voters when omitted from the previous List.*

County of
or
City [*or* Borough] of

To the Overseers of the Parish [*or* Township] of

I hereby claim to have my name inserted in the List [*or* on the Supplemental List] of Voters for the County of [*or* Borough of]____________________
and the Particulars of my Qualification and Place of Abode are stated below:—

Christian Name and Surname of Claimant.	Profession, Trade, or Calling.	Place of Abode.	Nature and Particulars of Qualification.	Street, Lane, or other like Place where the Property in all Claims arising out of Lands or Tenements is situate, and Name of Occupier, or No. of Certificate, in the Case of yearly Income or Deposit.

Dated the Day of 18

Signed____________________

FORM No. 9.

County of
or
City [*or* Borough] of ____________________ (to wit)

List of Voters (not being Freemen.)

For the Parish [*or* Township] of

Margin for entering Overseer's Objections.	Christian Name and Surname at full Length	Profession, Trade, or Calling.	Place of Abode.	Nature and Particulars of Qualification.	Street, Lane, or other like Place, and Name of Occupier where Claim to vote is in respect of Lands or Tenements; or Name of Landlord in the Case of Lodgers, or Part Occupiers, or No. of Certificate in Case of yearly Income or Deposit.

Dated the Day of 18

Signed ____________________ Overseer of the Parish [*or* Township] of __________
____
____

FORM No. 10.

County of
or
City [*or* Borough] of } ———— (to wit)

The Supplemental List of Voters.

For the Parish [*or* Township] of
of Persons claiming to vote, and as having been omitted from the "List of Voters" already published.

Christian Name and Surname of each Claimant at Length.	Profession, Trade, or Calling.	Place of Abode.	Nature and Particulars of Qualification.	Street, Lane, or other like Place, and Name of Occupier where Claim to vote is in respect of Lands or Tenements; or Name of Landlord in the Case of Lodgers, or Part Occupiers, or No. of Certificate in case of yearly Income or Deposit.

Dated the Day of 18

Signed ———— } Overseer of the Parish [*or* Township] of

FORM No. 11.—*Notice of Objections to be given to the Overseers.*

County of
or
City [*or* Borough of } ————

To the Overseers of the Parish [*or* Township] of
I object to the name of the Person mentioned and described below being retained in the "List of Voters" for your Parish [*or* Township], and the Grounds of my objections to him are (*a*)

Christian Name and Surname of Voter, as in List or Register.	Profession, Trade, or Calling.	Place of Abode as described.	Nature and Particulars of Qualification as described.	Street, Lane, &c., as described in List of Voters.

Dated the Day of 18

Signature of Objector____

Place of Abode____

On the List of Voters for the Parish [*or* Township], of_______________

or entitled as Freemen for the City [*or* Borough] of .

Note—(*a*) Here insert, either "that he has not a Qualification entitling him to be registered," or "that his Qualification is," or "that his place of abode is not accurately described."

FORM No. 12.—*Notice of Objection to be given by the Overseers or other Objector to the Person objected to, or to the occupying Tenant of the qualifying Property,*

County of
or
City [*or* Borough] of } ____

To Mr._________________________________of (*a*)_____________________________

Take notice, that I object to your Name (*b*)___________________________being retained

in the List of Voters for the Parish [*or* Township] of

and the Grounds of my Objection are (*c*)____.

____

Dated the Day of 18

Signature of Objector____

Place of Abode____

On the List of Voters for the Parish [*or* Township] of

or entitled as Freemen for the City [*or* Borough] of

(*a*) Here insert the name and Place of Abode of the Person objected to, as described on the List, or in case of Notice to the Tenant of the qualifying Property, insert his Name and Place of Abode, as described in the List.

(*b*) In the Notice to the Tenant, instead of the Words "your Name," insert the Name of the Person objected to.

(*c*) Here insert, either "that he has (or you have) not a Qualification entitling him (or you) to be registered," or "that his (or your) Qualification," or "that his (or your) Place of Abode, is not accurately described," or Words to the like Effect.

FORM No. 13.

County of
or
Borough of } ____ (to wit.)

The List of Objections.

The following Persons have been objected to as not being entitled to have their Names retained in h List of Persons qualified to vote for the Parish [*or* Township] of

Christian Name and Surname of each Person objected to.	Place of Abode.	Profession, Trade, or Calling.	Nature and Particulars of Supposed Qualification.	Street, Lane, or other like Place, and Name of Occupier where Claim to Vote is in respect of Lands or Tenements; or Name of Landlord in the Case of Lodgers as Part Occupiers, or No. of Certificate in the Case of yearly Income or Deposit.

Dated the ________ Day of ________, 18

Signed ________ } Overseers of the Parish [*or* Township] of ________

FORM No. 14.—*Claim by Freeman to be given to the Town Clerk.*

To the Town Clerk of the City [*or* Borough] of

I hereby claim to have my Name inserted in the List [*or* Supplemental List] of Voters, made by you, entitled as Freeman to vote in the Election of a Member [*or* Members] of Parliament in this City or Borough. And that my Qualification is as a Freeman of and that I reside in Street, in this City [*or* Borough, as the case may be].

Dated the Day of , 18

Signed ________

FORM No. 15.

City *or* Borough of } ________

The List of Voters entitled as Freemen.

To be published by the Town Clerk.

Christian Name and Surname of each Freeman, at full Length.	Place of Abode.

Signed ________ { Town Clerk for the City [*or* Borough] of ________

FORM No. 16.

City or Borough of } ______________________

Notice of Objection to a Freeman.

To the Town Clerk of the City [*or* Borough] of

I object to the Name of
being retained in "The List of Voters entitled as Freemen," for the above City [*or* Borough], and the Grounds of my Objection are

____

____

____

Dated the Day of 185

Signature of Objector ______________________

Place of Abode ______________________

On the List of Voters for the Parish [*or* Township] of

FORM No. 17.

City or Borough of } ______________________

The List of Objections to Freemen.

To be published by the Town Clerk.

The following Persons have been objected to as not being entitled to have their Names retained in the "List of Voters entitled as Freemen" to the City [*or* Borough] of

Christian Name and Surname of Person objected to.	Place of Abode.

Signed ______________________

Town Clerk for the City [*or* Borough of

FORM No. 18.

City
or
Borough of

The Supplemental List of Voters claiming as Freemen to be entitled to vote, and as having been omitted from the List already published.

Christian Name and Surname of each Claimant at full length.	Place of Abode.

Signed________________ { Town Clerk to the City [*or* Borough] of ________________

TABLE OF FEES.

Table of Fees to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons' Names—

	s.	d.
Not exceeding 100 Names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6
For every Form of Claim	0	1

Table of Fees to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register or any part of any Register containing any Number of Persons' Names—

	s.	d.
Not exceeding 1,000 Names	1	0
Exceeding 1,000 and not exceeding 3,000	2	6
Exceeding 3,000 and not exceeding 6,000	5	0
Exceeding 6,000 and not exceeding 9,000	7	6
Exceeding 9,000	10	0

SCHEDULE C.

Form No. 1.—*The Qualification Register.*

County of
or
City [*or* Borough] of

Polling District of

Parish [*or* Township] of

Column for Letter A.	Register Number.	Christian Name and Surname of Voter at full Length.	Place of Abode.	Profession, Trade, or Calling.	Nature and Particulars of Qualification.	Street, Lane, or other like Place, and Name of Occupier where Claim to Vote is in respect of Lands or Tenements, or Name of Landlord in the Case of Lodgers or part Occupiers, or Number of Certificate in the Case of a yearly Income or Deposit.

Form No. 2.—*The Voting Register.*

County of
or
City [*or* Borough] of

Polling District of

Parish [*or* Township] of

Register Number.	Christian Name and Surname of Voter at full Length.	Place of Abode.

SCHEDULE D.

FORM NO. 1.—*Application by Voter for Voting Paper.*

No.

County of
or
City [*or* Borough] of

Election, 18

No. on Register.	Name of Voter.	Qualification on the Register.

Sir,

I request you to forward to me a Voting Paper, to enable me to vote in the approaching Election.

Dated the Day of 18

Signed ______________________ Name at full Length.

______________________ Address.

Post Town.

County.

To the Returning Officer of the
County *or* City [*or* Borough]
of
at

Received the above on the Day of at o'Clock.

Posted Voting Paper on the Day of at o'Clock.

NOTE.—This Form must be filled up by the Voter, or by some Person on his Behalf, with sufficient Particularity to enable the Returning Officer readily to identify the Name on the Register and may be sent by the Post, or delivered to the Returning Officer or his Deputy.

The Returning Officer, on Receipt of the Application, is to number it, and insert a corresponding Number in the Voting Paper. He is also to fill in the Date and Hour of Receipt of the Application and of the Transmission of the Voting Paper.

FORM No. 2.

VOTING PAPER, No.

County of
or
City [*or* Borough] of

Election, 18

No. on Register.	Name of Voter.	Qualification on the Register.

Sir,

In pursuance of your Request I enclose a Voting Paper to enable you to vote at the approaching Election, and I direct your Attention to the following Points to be observed in the filling-up and Transmission of it to me:

1. The Voting Paper must be filled up with your own Name, and also with the Name of the Candidate [*or* Candidates] for whom you desire to vote, and you must take care not to insert the Name of more than Candidate or your Vote will be rejected.
2. You must sign your Name in the Presence of Two Witnesses, One of whom must be a Householder.
3. The Witnesses must sign their Names at full length, together with their Place of Abode, or other like Place, and their Profession, Trade, or Calling.
4. When the Paper has been signed and witnessed you must be particular to fold it up with the Address to me on the Outside, and to return the whole of the Sheet entire.
5. The Paper must be sent to me as a registered Letter through some Post Office where registered Letters are received, and must be delivered not later than Four o'Clock on the Day of Polling, or the Vote will be lost.

Your obedient Servant,

____________________ Returning Officer.

____________________ Address.

____________________ Post Town.

NOTE.—The Returning Officer is to fill in the Blanks in the above Form before transmitting it to the Voter.

This and the next Page, containing Form No. 3, are to be sent to the Voter in One Sheet entire, and are to be so returned by him.

__________ County *or* City } Election.

VOTING PAPER, No.

Registered Letter.

FORM No. 3.

VOTING PAPER, No.

County of
or
City [*or* Borough] of
Election, 18

I do hereby solemnly declare, That I am the same person as is described in the Register of Voters now in force for the above by the Number and Description copied on the annexed Sheet (Form No. 2.)

And I do hereby give my Vote for at this Election.

Dated the Day of 18

Signature of Voter

The above Voting Paper was signed in the Presence of us:—

Christian and Surname of Witness at full length.	Place of Abode, including Number and Name of Street (if any.)	Profession. Trade, or Calling.

NOTE.—One of the Witnesses must be a Householder.

The Number and Address on the Outside of this Voting Paper is to be filled up by the Returning Officer before transmitting it to the Voter.

SCHEDULE E.

Form of Summons to be issued by Clerk of the Peace or Town Clerk requiring the Attendance of a Witness before the Revising Barrister.

County of
or
City [*or* Borough] of
(to wit)

To Mr. of ,

You are hereby required to attend at the Court to be holden at for the Revision of the List of Voters for this , before the Revising Barrister, on the Day of at o'Clock in the Forenoon, to be there examined as a Witness on behalf of

(If you fail to attend you will be liable to a Penalty of *Five Pounds.*)

Given under my Hand this Day of 18

Clerk of the Peace for the said County, *or* Town Clerk for the said Borough.

N.B.—This Summons must be served personally on the Witness.

County or City } Election.

VOTING PAPER, No.

The Returning Officer of the

County, City, *or* Borough } of ________________

at ________________

Registered Letter.

SCHEDULE F.

Date of Act	Title of Act.	Extent of Repeal.
6 Vict. c. 18., 1843 -	An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales.	So much of the Act as is contained in the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 36th, 47th, 48th, and 49th Sections thereof.
22 Vict. c. „ 2d August 1858.	An Act to continue and amend the "Corrupt Practices Prevention Act," 1854.	So much of the Act as is contained in the 1st Section thereof, relating to the Payment of the travelling Expenses of Voters.

SCHEDULE G.

Boroughs now returning Two Members, which are in future to return One Member each.

Honiton,
Thetford,
Totness,
Harwich,
Evesham,
Wells,
Richmond,
Marlborough,
Leominster,
Lymington,
Ludlow,
Andover,
Knaresborough,
Tewkesbury,
Maldon.

SCHEDULE H.

1.—*The Two Divisions of the Southern Division of the County of Lancaster.*

Name of Division.	Parts comprised in Division.	Place for holding Courts for Election of Knights of the Shire.
South-West Lancashire - -	Hundred of West Derby - -	Newton.
South-East Lancashire -	Hundred of Salford - - -	Bury.

2.—*The Three Divisions of the West Riding of the County of York.*

Name of Division.	Parts comprised in Division.	Place of Election.
West Yorkshire - - - -	The Wapentakes of Agbrigg and Morley.	Wakefield.
North-West Yorkshire - -	The Wapentakes of Skyrack, Claro, Staincliffe, and Ewcross, with Barkstone-Ash.	Skipton.
South Yorkshire - -	The Wapentakes of Staincross, Strafforth and Tickhill and Osgold Cross.	Doncaster.

3.—*The Two Divisions of the County of Middlesex.*

Name of Division.	Parts comprised in Division.	Place of Election.
South Middlesex - - -	So much of the Hundreds of Ossulston and Elthorne, not being within the Limits of any Parliamentary Borough, as lie on the South Side of the Main Line of the Great Western Railway.	Brentford.
North Middlesex - - -	The Remainder of the County not comprised in South Middlesex.	Hornsey.

SCHEDULE I.

Places to be Boroughs to return One Member each.

County.	Places to be Boroughs.	Contents or Boundaries.
Staffordshire . . .	West Bromwich . .	The Parishes of West Bromwich and Wednesbury.
Cheshire . . .	Birkenhead . . .	The Township or Chapelry of Birkenhead; the Townships of Claughton-cum-Grange, Oxton, and Tranmere.
Lancashire . . .	Burnley . . .	The Townships of Burnley and Habergham Eaves.
Cheshire and Lancashire.	Stalybridge . . .	The Town of Stalybridge, as the Limits thereof are declared by an Act passed in the Ninth Year of King George the Fourth, intitled "An Act for lighting, watching, and "otherwise improving the Town of Staly-"bridge, in the Counties Palatine of Lan-"caster and Chester, and for regulating the "Police thereof, and for establishing and "regulating a Market, and erecting a Market "Place within the said Town;" and the Township of Dukinfield, so far as the same is not comprised within those Limits.
Surrey	Croydon . . .	The Parish of Croydon and the Hamlet of Penge
Kent . . .	Gravesend . . .	The Parishes of Gravesend, Milton, and Northfleet.
Durham	Hartlepool . .	The Parishes, Townships, and Places of Hartlepool, West Hartlepool, Stranton, Briarton, Seaton Carew, Greatham, Claxton, Hart, Throston, Elwick, Elwick Hall, Dalton Percy, and Thorp Bulmer

A better Report of the Speech of THE BISHOP OF EXETER *on the* MARRIAGE LAW AMENDMENT BILL, *March* 22, 1859, *page* 497.

THE BISHOP OF EXETER said, that the words he had to address to their Lordships must be few, for he had no longer the power of addressing them that he once possessed: he was conscious of the infirmities of age and must leave it to younger and abler men to fight the battle of religion on this great question. Unless his memory failed him miserably, the noble Lord who introduced this subject to their Lordships' notice had said many things that demanded attention from the Bench of Bishops. He particularly referred to the number of Bishops that had subscribed to the views enunciated by the noble Lord. No man could regret more than he (the Bishop of Exeter) did that the noble Lord should have been able to read so long a list of them; but six or seven Bishops, able and learned as they were, did not bear a very large proportion to the Bishops since the foundation of the Christian Church. He believed it would be extremely difficult to double that number among all the thousand Bishops that have been Bishops of the Church of Christ, and who have held a contrary doctrine to that advocated by the supporters of this Bill. One of the few Bishops mentioned by the noble Lord as being in favour of these marriages was his right rev. Friend the Bishop of London, who was, he regretted to say, prevented from being present by a domestic calamity; but his right rev. Friend was one of those who—using the privileges of advancing age—would say that he grew wiser as he grew older. The right rev. Prelate had intimated to him that he was in a state of transition on this subject—that he could no longer accede to the views he was formerly supposed to hold on this subject, and he (the Bishop of Exeter) felt himself justified in hoping that if his right rev. Friend were present on this occasion he would vote against the Bill. It had been suggested that they should abstain from discussing the meaning of particular texts of Scripture, and he agreed that no place was more unfitted for a discussion of the theological part of the subject than their Lordships' House of Legislature. But when it was said that there had been a departure on the part of the opponents of the measure from the religious line of opposition that they formerly took, and that now the social ground only remained for argument, he for one said that he had never ceased to hold the opinions he entertained on the subject. He had himself always treated the subject on religious grounds, and had seldom said anything on the subject relating to the social question; he should be sorry to disavow that his opposition to the Bill was mainly and chiefly of a religious character, and he said so because the Levitical prohibitions that they were now called upon to cast from them in so scornful a manner had been recognized as the law of God from the beginning of the Christian era to this very hour by the universal Church, not by the English Church merely but by the Greek and Roman Church. The example of the Protestant countries of Germany had been held up for imitation; but in all of them the Levitical prohibitions as the law revealed by divine inspiration, were regarded as the groundwork of the ecclesiastical law. The right rev. Prelate then quoted from the Report of the Commission in 1847, in which Mr. Bach, a German jurisconsultus, gave what was the law of Protestant Germany on the subject, stating that the Levitical law was the revealed law of the Divine dispensation, and the groundwork of the canon law of the Church of Rome, as regarded the Levitical degrees of marriages. But this gentleman's testimony went on to show that in most of the small Protestant States the Sovereign assumed the power of dispensing with the law of God, that these dispensations could be easily obtained for a small sum of money, so that all who chose to violate the divine law in respect to these marriages, would be at liberty to do so by submitting to a pecuniary fine. So much for the law of Germany, which they were invited to look up to in framing the law of England on this subject. The absolute power of Popery prevailed there. Every petty Prince of Germany was as much a Pope as the Pope himself, Popery was the very essence of this system; for Popery consisted in the assumption by men of doing and forbidding to do what God only could do or forbid. It was, in one word, usurpation on the Divine law. Did not so-called Protestant Germany do this? there was not a single State that did not by dispensation promote these marriages contrary to these Levitical prohibitions which every State acknowledged to be a declaration of Divine law; and if anything could be

Popery of the grossest and coarsest kind, it was to be found in Protestant Germany. In the United States of America the Confederation had no general law of marriage; the subject was treated as a domestic matter which should be left to each State to settle for itself—and settle it for themselves they did, some of them in a very extraordinary manner. This general rule, however, pervaded all the States, that marriage was a civil contract. Was this country prepared to adopt that view? Surely their Lordships were not prepared to say that marriage was a civil contract only? The question was, whether this country would legalize marriages which were incestuous and contrary to the law of God. The Church of which he was a Bishop called them by those names, and he should consider himself unfaithful to the faith which he professed, a traitor to the Church of Christ, and an apostate even, were he to assent to such a Bill as this. He did not wish to cast these names on those who did not see their duty in the way he saw it, and who did not see their duty in the way in which, as it appeared to him, a plain common-sense Englishman ought to see it. They had been told that the canon in reference to this matter was an extremely ancient one; but he rested upon a canon of no extraordinary antiquity, that of 1603, which was adopted in this country when the Reformed Religion was in its purest and most flourishing condition. He should consider himself unfaithful and a traitor to the Church if he did not stand upon that canon. In the office of matrimony the parties were charged, as they should appear before the tribunal of God, to declare if they knew of any impediment why they could not be lawfully joined together; and that no doubt referred to the canons of the Church. He had said that the Church of Rome did not recognize the Levitical prohibitions as of themselves binding; but for 1,500 years that Church as strongly as any other Church had held them binding. They changed for excellent reasons, for otherwise they must have admitted that an infallible Pope had erred. A question was submitted to the divines and canonists of Europe, whether the Levitical prohibitions were according to the law of God; and secondly, whether the Pope had a right to dispense with them. The first question was answered in the affirmative, and the power to dispense with what was the law of God was denied. The Pope, through fear of Charles V., refused to recognize that state of things in reference to the divorce between Catherine and Henry VIII., and at the Council of Trent a canon was introduced which pronounced an anathema against all who did not hold that the Church of Rome had power to dispense with some of the laws of God and also to add to them. That was the position to which the Church of Rome was reduced. In the very year that the Council of Trent pronounced this decree, the table of degrees of the Church of England was published by Archbishop Parker, with the full assent of the Church of England —it was the voice of the Reformed Church against Rome—yet that was the table which they were now told it was unworthy of an enlightened country to follow. They must bear in mind that there could be no improvement in these things; and if it was then true that these marriages were incestuous and contrary to the law of God, this must be true for ever; and if false, then it must be false for ever. Were their Lordships prepared to say that the Church for 1,500 years had held that which was unsound and fallacious? Were they, in deference to what is miscalled public opinion — which it seems now must regulate everything, even the laws of God—to declare these marriages good which had been against the law of the Church for 1,500 years? He always thought that it was the duty of the Church to impress the word of God in spite of the world, and that truth would make its way in opposition to the world. If the present law were according to the opinion of the world, he said broadly and plainly that the probability was that it was wrong. He so read the Word of God, and by that Word, through God's grace, his conduct and language should always be guided. He rested his case upon religious grounds, and especially upon reformed religious grounds. The Church of England granted no dispensation for contracting incestuous marriages. They left that to Rome, to Berlin, and to Geneva. At whatever hazard, that Church would assert the Word of God, and would not be driven from it by anything that might be done by Rome or Geneva. Upon this question he hardly knew which to choose, but he really thought that Rome was to be preferred. He thanked their Lordships for the patience with which they had listened to an old man, and he rejoiced that he had been spared again to lift up his voice against this Bill.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES

IN THE THIRD SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM,

22° VICTORIA,

1859.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate there under, it indicates that the Speeches on those Subjects were delivered in the Speaker's private or official character, as the case may be.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of
  Right of Search, [152] 324

Academy, Royal, The,
  l. Observations (Lord Lyndhurst), [152] 1241
  c. Question (Sir H. Willoughby), [152] 182;—see *National Gallery*

ADAMS, Mr. W. H., *Boston*
  Magistrates' Clerks, Fees to, [152] 606
  Manslaughter, Leave, [152] 732
  Merchant Shipping, Com. moved for, [152] 1109
  Municipal Elections, 2R. [152] 737
  Roman Catholic Oath, Com. moved for, [152] 800

ADDERLEY, Rt. Hon. C. B. (President of the Board of Trade, and Vice President of the Committee of Privy Council for Education), *Staffordshire, W.*
  Capitation Grant for Schools (Scotland), Extension of, [152] 1473
  Education, Res. [152] 493;—Reports of Inspectors, Address moved, 698, 713, 714
  Representation of the People, 2R. [153] 701, 707
  Vaccination, [153] 36

Address in Answer to the Speech,
  l. (Earl of Winchilsea), [152] 6; Her Majesty's Reply, 105
  c. (Mr. Trefusis), [152] 58; Report, 109; Her Majesty's Reply, 140

Adjournment of the House, Motions on,
  c. Observations (Chancellor of the Exchequer) [152] 509

Admiralty Court Bill
  c. Leave, [153] 293; 1R.* 330
  2R. 1144

Admiralty, Lords of the
  c. Question (Sir B. Hall), [153] 1626;—see *Carnegie, Capt., Case of*

Admiralty Returns,
  c. Question (Mr. Richardson), [152] 334

Adulteration of Food or Drinks Bill,
  c. 1R.* [152] 692

Advertisements, Government,
  c. Question (Mr. G. Clive), [152] 335

ADVOCATE, The LORD (The Rt. Hon. C. Baillie), *Linlithgowshire*
- Annuity Tax (Scotland), [152] 1054; [153] 825
- Charitable Institutions (Scotland), [152] 1170
- County Voters (Scotland), Registration of, 2R. [153] 209
- Edinburgh, &c. Annuity Tax, Leave, [152] 497; 2R. [153] 644
- Education (Scotland), Res. [152] 497, 767
- Excisable Liquors (Scotland), Com. moved for, [152] 1213
- Herring Fisheries (Scotland), [152] 1272
- Law Ascertainment, 2R. [153] 1140
- Licensing System (Scotland), [153] 913
- Lunacy Law (Scotland), [152] 249
- Public Houses (Scotland), [153] 1430
- Registers of Titles (Scotland), [152] 1170
- Representation of the People, Leave, [152] 1013
- Trial by Jury (Scotland), Leave, [152] 789; 2R. [153] 1126

Affidavits by Commission, &c. Bill,
- *c.* 1R.* [152] 1348; 2R.* [153] 92; 3R.* 912
- *l.* 1R.* [153] 1010;
  - 2R. 1544; 3R.* 1688
  - Royal Assent, 1898

Aggravated Assaults Act Amendment Bill,
- *c.* 1R.* [153] 1040

AGNEW, Sir A., *Wigtonshire*
- Army Estimates, [152] 1402
- Capitation Grants for Schools (Scotland), Extension of, [152] 1472, 1473
- Excisable Liquors (Scotland), Com. moved for, [152] 1207
- "Host," Military Honours to the, [152] 107; [153] 1429
- Licensing System (Scotland), [153] 912
- Liquor, Sale of (Scotland), [152] 606
- Public Houses (Scotland), [153] 1430
- Travancore, Disturbances in, [153] 22, 24

Agricultural Statistics,
- *c.* Res. (Mr. Caird), [152] 780, [A. 152, N. 163, M. 11] 788

AIRLIE, Earl of
- Combination of Workmen, 2R. [153] 1624
- Education (Scotland), [152] 501
- Immigration Act (Jamaica), [152] 174
- Thames Watermen and Lightermen, Recom. [153] 1618, 1620

AKROYD, Mr. E., *Huddersfield*
- Bankruptcy and Insolvency, 2R. [153] 206
- Education, Reports of Inspectors of, Address moved, [152] 713
- Marriage Law Amendment, 2R. [152] 443, 446

ALBEMARLE, Earl of
- East India Loan, 2R. [153] 1503
- Indian Finance, Address moved, [153] 808;—Vote of Thanks to the Governor General, &c., 1725
- Marriage Law Amendment, 2R. [153] 495

ALCOCK, Mr. T., *Surrey, E.*
- Church Rates Commutation, 2R. [152] 738, 740
- Tolls on Bridges (Metropolis), Address moved, [152] 734, 735
- Turnpike Tolls and Bridges, Commission moved for, [152] 431

Alexandria, Telegraph to,
- *c.* Question (Mr. Crawford), [152] 472

Anniversary Days Observance Bill—see *Occasional Forms of Prayer Bill,*

Appeal in Criminal Cases Bill,
- *c.* Leave, [152] 1112; 1R.* 1113

ARGYLL, Duke of
- East India Loan, 2R. [153] 1482
- Education (India), Postponement of Motion, [152] 1168, 1169; Returns moved for, [153] 1778, 1782, 1793
- Letters, Compulsory Pre-payment of, [152] 675; Papers moved for, 759
- Mails, The Irish, [153] 1604
- Municipal Franchise, Com. moved for, [152] 849

Army,
- *Band Charge, c.* Question (Mr. Laurie), [152] 770
- *Barrack Accommodation, c.* Question (Mr. H. B. Baring), [152] 144
- *Barrack Masters, c.* Question (Mr. Warren), [152] 249
- *Billeting System, c.* Question (Mr. Craufurd), [152] 144; (Mr. Cowan), [153] 11
- *Commissions, Sale and Purchase of, c.* Question (Sir De Lacy Evans), [152] 329; [153] 34; (Captain Vivian), 1555
- *Competitive Examinations at Woolwich, c.* Question (Mr. Monsell), [153] 1822
- *Dickson, Lieut.-Col., Case of, c.* Question (Mr. T. Duncombe), [153] 1862
- *Estimates, c.* Question (Mr. Wilson), [152] 1175; (Sir H. Willoughby), 1288;—*Supply,* 1310, 1401, 1404, 1408; [153] 1515
- *Forty-first Regiment at Trinidad, c.* Question (Sir De Lacy Evans), [153] 246, 817, 1151, 1802
- *Household Infantry, c.* Com. moved for, (Sir J. Trelawny), [153] 276, [A. 31, N. 131, M. 104] 292
- *Land Transport Corps, c.* Question (Lord A. Vane-Tempest), [152] 334; (General Codrington), 473
- *Military Honours, c.* Question (Mr. Laurie), [152] 184
- *Officers in the Mediterranean, c.* Question (Captain Stuart Knox), [152] 1350
- *Recruiting, c.* Question (Captain Vivian), [152] 508
- *Regimental Quartermasters, c.* Address moved (Sir A. Elton, [153] 271; Motion withdrawn, 276
- *Retired Field Officers, c.* Question (Colonel Kingscote), [153] 1802
- *Veterinary Surgeons, c.* Question (Mr. A. H. Baring), [152] 771

[*cont.*

Army—cont.
Weedon Commission, The, *c.* Question (Mr Nicoll), [152] 187;—Observations (Mr. Turner), 524;—see *Military Organization—Militia—India*

Asia, Central
c. Question (Mr. W. Ewart), [153] 824

Atlantic Telegraph, The
c. Question (Mr. H. Berkeley), [152] 186, 1473; (Mr. Wyld), 857; (Mr. Moffatt), 965

Attorney General, The (Sir F. Kelly), *Suffolk, E.*
Admiralty Court, Leave, [153] 294
Appeal in Criminal Cases, Leave, [152] 1113
Bankruptcy and Insolvency, Leave, [152] 423; 2 R. [153] 200; Com. 1142
Charitable Uses, Leave, [153] 295
Corrupt Practices Prevention Act, [152] 185
County Court Prisoners, [153] 1508
County Courts, 2R. [153] 87
Divorce Court, The, [153] 689
East India Loan, Com. [153] 87
Newspapers, &c., 2R. [152] 1157
Offences against the Person, Leave, [153] 1771
Patents for Inventions (Munitions of War) Leave, [153] 482
Petitions of Right, Leave, [152] 1116
Property, Law of, Com. *cl.* 1, [153] 1591
Real Estate Intestacy, 2R. [152] 1152
Statute Law, Consolidation of the, [153] 1549
Supply—Civil Services, [153] 1444

Audit of Accounts,
c. Question (Mr. W. Williams), [152] 258

Australia, Naval Defences of,
c. Observations (Lord A. Churchill), [152] 1292;—see *Moreton Bay—New South Wales*

Austria and the Italian States,
c. Question (Mr. Horsman), [152] 1274

Ayrton, Mr. S. A., *Tower Hamlets*
Army Estimates, [152] 1338
Bleaching and Dyeing Works, Leave, [152] 834
British Museum, Com. moved for, [153] 270
Conveyance of Voters, Leave, [152] 718, 727; 2R. 1166
County Courts, 2R. [153] 87
East India Loan, [152] 381; 2R. 1374
Evidence by Commission, Leave, [152] 715
"Herald," Seizure of the, by the Portuguese, [152] 768
Ministerial Statement, [153] 1342
Municipal Elections, Consid. Amend. [153] 222, 223
Newspapers, &c., Leave, [152] 484; 2R. 1157; Com. [153] 383, 1523, 1526
Poor, Irremovable, Com. moved for, [152] 204
Railway Tickets Transfer, Com. *cl.* 3, Amend. [153] 1612, 1614, 1616, 1617
Tea, Damaged, [153] 1413
Titles to Landed Estates, Leave, [152] 308, 309

Bagwell, Mr. J., *Clonmel*
Landlord and Tenant (Ireland), Return moved for, [152] 232
Lunatic Poor (Ireland) Leave, [152] 167; 2R. Amend. 666
Manor Courts, &c. (Ireland) Leave, [152] 157

Baillie, Rt. Hon. C., *see* Advocate, The Lord

Baillie, Mr. H. J., (Under Secretary for India), *Invernessshire*
East India Loan, [152] 382; 3R. [153] 1376
Edinburgh, &c. Annuity Tax, 2R. [153] 654

Baines, Rt. Hon. M. T., *Leeds*
Bankruptcy and Insolvency, 2R. [153] 198

Ball, Mr. E., *Cambridgeshire*
Agricultural Statistics, Res. [152] 787
Church Rates, Leave, [152] 638; 2R. 1590
Marriage Law Amendment, 2R. [152] 440
Ministerial Statement, [153] 1339

Ballot, The
c. Leave, [153] 1652, [A. 99. N. 102, M. 3] 1685;—see *Representation of the People Bill*

Bandon, Earl of,
Deserted Children (Ireland), [153] 795
Leasing Powers (Ireland), [153] 386
Manor Courts, &c. (Ireland), 3R. [153] 911

Bankruptcy and Insolvency Bill,
c. Leave, [152] 413; 1R.* 433;
2R. [153] 198;
Com. 1141;—see *Debtor and Creditor Bill*

Barber, Mr., Case of,
c. Question (Mr. Brady), [153] 353

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Dockyard Expenditure, [153] 65
Lords, House of, 1432
Mail Contracts, [153] 1432
Mail Service (Galway and America), Papers moved for, [153] 1409
Monies, Public, [152] 341, 342
Navy and Coastguard, Res. [152] 1307
Navy Estimates, [152] 940; [153] 137
Superannuation, Com. [153] 370; *cl.* 1, 378; *cl.* 7, Amend. 379; *cl.* 8, 380; *cl.* 13, 1388, 1390, 1394

Baring, Mr. A. H., *Thetford*
Army Veterinary Surgeons, [152] 771

Baring, Mr. H. B., *Marlborough*
Barrack Accommodation, [152] 144

Baring, Mr. T. *Huntingdon*
East India Loan, 3R. [153] 1370
Exchequer Bills, Res. [152] 1634

Baring, Mr. T. G., *Penryn*
Dockyard Expenditure, [153] 81
Navy, State of the, Papers moved for, [153] 301

Barrow, Mr. W. H., *Nottingham, S.*
Conveyance of Voters, 2R. [152] 1160

Bass, Mr. M. T., *Derby*
Agricultural Statistics, Res. [152] 788
Rules of Debate—Resolutions by way of Amendment, [153] 1006

Bath, Order of the,
c. Question (Lord Hotham), [152] 401

Baxter, Mr. W. E., *Montrose, &c.*
Business of the House, [152] 607
Edinburgh, &c. Annuity Tax, 2R. [153] 632
Excisable Liquors (Scotland), Com. moved for, [152] 1216
Harbours of Refuge, [153] 248
Lunacy Laws (Scotland), [152] 248
Reform Bill for Scotland and Ireland, [152] 858
Representation of the People, Leave, Amend. [152] 1005, 1012

Beamish, Mr. F. B., *Cork City*
Bankruptcy Court (Ireland)—Mr. H. C. James, [152] 1281
County Prisons (Ireland), Com. [153] 1399
Decimal Currency, [153] 352
Education (Ireland), Order discharged, [153] 1413
Mail Service (Galway and America) Papers moved for, [153] 1411, 1568
Manor Courts (Ireland), Com. *cl.* 1, [152] 751

Beaumont, Mr. W. B., *Northumberland, S.*
Representation of the People, 2R. [153] 928

Beecroft, Mr. G. S., *Leeds*
Address in Answer to the Speech, [152] 67

Beer Houses, &c.
c. Question (Mr. Nicoll), [152] 1349

Bentinck, Mr. G. W. P., *Norfolk, W.*
Agricultural Statistics, Res. [152] 783
Business, Public [153] 1385
Church Rates Abolition, 2R. Adj. moved. [152] 1682
Dockyard Expenditure, [153] 61
Government Offices, The New, [152] 273
Jews, Leave, [152] 1182
Ministerial Statement, [153] 1330
Navy Estimates, [152] 937; [153] 139
Oaths Act Amendment, Com. [153] 219
Railway Accidents, [152] 250
Representation of the People, Leave, [152] 1033, 1036; 2R. [153] 717, 839

Berkeley, Hon. F. H. F., *Bristol*
Army Estimates, Amend. [152] 1336, 1341
Atlantic Telegraph, [152] 186, 1473
Ballot, Leave, [153] 1652, 1683
Business, Public, [153] 1386
Corrupt Practices Prevention Act, [152] 185
Municipal Elections, Com. *add. cl.* [152] 1679, 1681, 1682
Navy Estimates, [152] 937
Newbury and Hereford Magistracy, [153] 1801
New South Wales Electoral Bill, [152] 1272
Representation of the People, 2R. [153] 1262

Berwick, The Candidate for,
c. Question (Mr. E. P. Bouverie), [153] 1728

Bethell, Sir R., *Aylesbury*
Admiralty Court, Leave, [153] 294
Ballot, Leave, [153] 1664

[*cont.*

Bethell, Sir R.—*cont.*
"Charles et Georges," Address moved, [152] 1566
Church Rates, 2R. [152] 1587
Proctors, Compensation to, [153] 31, 33
Titles to Landed Estates, Leave, [152] 304

Black, Mr. A., *Edinburgh*
Annuity Tax (Scotland), [152] 1053; [153] 825
Edinburgh, &c. Annuity Tax, Leave, [152] 497; 2R. [153] 625, 636, 671
Education, Res. [152] 496;—Reports of Inspectors, Address moved, 704
Mutiny, Com. [153] 165
Representation of the People, 2R. [153] 940
Superannuation, Com. *cl.* 13, [153] 1388

Blackburn, Mr. P., *Stirlingshire*
County Voters (Scotland), Registration of, Leave, [152] 498
Edinburgh, &c. Annuity Tax, 2R. [153] 636
Education, Res. [152] 495
Real Estate Intestacy, 2R. [152] 1121
Representation of the People, Leave, [152] 1010

Blake, Mr. J. A., *Waterford City*
Manor Courts, (Ireland), Com. *cl.* 4, Amend. [152] 753

Bland, Mr. L. H., *King's Co.*
India—Medal to the Troops, [152] 331
Parliamentary Reform (Ireland), [152] 472

Bleaching and Dyeing Works.
c. Leave, [152] 834, [A. 30, N. 108, M. 78] 836

Boldero, Lt. Col. H. G., *Chippenham*
Army Clothing, Commission on, [152] 527
Army Estimates, [152] 1330

Bonding Warehouses (Inland)
c. Question (Mr. Hadfield), [153] 94, 912

Booth, Mr. G. S., *Hampshire, N.*
High Sheriffs' Expenses, 2R. [153] 624
Representation of the People, Leave, [152] 1038

Borough Electors,
c. Question (Mr. Foljambe), [152] 1618

Bouverie, Hon. E. P., *Kilmarnock, &c.*
Bankruptcy and Insolvency, Com. [153] 1142
Berwick, The Candidate for, [153] 1728
Law Ascertainment, 2R. [153] 1140
Navy, State of the, Papers moved for, [153] 304
Newbury and Hereford Magistracy, [152] 1800
Oaths Act Amendment, Com. [153] 218, 219; *cl.* 1, 220
Representation of the People, [153] 330

Bovill, Mr. W., *Guildford*
"Charles et Georges," Address moved, [152] 1537, 1538
Mutiny, Com. [153] 165
Petitions of Right, Leave, [152] 1114

Bowyer, Mr. G., *Dundalk*
Landed Estates, Titles to, Com. [153] 104
Landlord and Tenant (Ireland), [152] 1620
Markets (Ireland), 2R. [152] 662
Naval Medical Annuities, &c., 3R. [153] 1611
Representation, The Irish, [152] 1287
Sardinia—Enrolment of Deserters, [152] 1474

Brady, Mr. A. J., *Leitrim*
Barber, Mr., Case of, [153] 353
London Corporation Reform, [153] 1151
Lunatic Poor (Ireland), 2R. [152] 672; Com. [153] 216
Parliamentary Voters (Ireland), Leave, [153] 292, 293

Bridges, Sir B. W., *Kent, E.*
Church Rates, Leave, [152] 656

Bright, Mr. J., *Birmingham*
Address in Answer to the Speech, Report, [152] 112
Church Rates, [152] 1351
East India Loan, 2R. [152] 1359
Edinburgh, &c. Annuity Tax, 2R. [153] 668, 669
Ministerial Statement, [153] 1312
National Gallery—The "Apollo and Marsyas," [153] 819, 820
Navy and Coastguard, Res. [152] 1302
Parliamentary Reform, [152] 142, 1284
Representation of the People, Leave, [152] 1022; 2R. [153] 759, 770, 998, 1124

Briscoe, Mr. J. I., *Surrey, W.*
Highways, 2R. [152] 345
Reformatory Hulk "Akbar," [153] 1861
Superannuation, Com. *cl.* 1, [153] 376

British Columbia,
c. Question, (Sir W. Dunbar), [152] 1271

British Museum,
c. Question, (Lord Elcho), [152] 249;
Com. moved for, (Mr. Gregory), [153] 250; Motion withdrawn, 271;
Com. moved for, (Mr. Gregory), 384, Amend. (Mr. Gladstone), [*o. q.* A. 21, N. 2, M. 19] 385

Brougham, Lord
Address in Answer to the Speech, [152] 52
Debtor and Creditor, 1R. [152] 134; 2R. 954
Ecton and Walton Exchange, 1R. [152] 470
Education (Scotland), [152] 507
Europe, State of,—Evacuation of the Roman States, [152] 948, 949
Evidence, Law of, further Amendment, 1R. [152] 760, 763, 766
Immigration Act (Jamaica) Petition, [152] 106, 169, 172, 174
Ionian Islands, The, [152] 598
Land, Sale and Purchase of, [152] 692
Municipal Franchise, Com. moved for, [152] 847
Real Estate, Transfer of, [152] 498
Right of Search, [152] 327
Slavery—Cuba Slave Trade, Address moved, [152] 387
Trading Companies Winding-up, 1R. [152] 219
Vexatious Indictments, 2R. [152] 1050

Brown, Mr. W., *Lancashire, S.*
Markets (Ireland), Leave, [152] 163
Mersey Docks and Harbour, 2R. [152] 395

Browne, Lord J. T., *Mayo Co.*
Poor Relief (Ireland) Act Amendment, 2R. [153] 673

Bruce, Mr. E. L. C., *Elginshire*
East India Loan, 2R. [152] 1398
Edinburgh, &c. Annuity Tax, 2R. Amend. [153] 625
Excisable Liquors (Scotland), Com. moved for, [152] 1210
Representation of the People, Leave, [152] 1012

Bruce, Mr. H. A., *Merthyr Tydvil*
Highways, [152] 1171

Buchanan, Mr. W., *Glasgow*
Education, Res. [152] 495
Excisable Liquors (Scotland), Com. moved for, [152] 1218

Buckley, Major Gen. E. P., *Salisbury*
Calpee, Battle of, [152] 1350
Local Assessments Exemption Abolition, [153] 1152
Surveyors of Taxes, [152] 769

Burghley, Lord, *Northamptonshire, N.*
Yacht Club, Royal Western, Papers moved for, [153] 1527

Burial Places Bill,
c. 1R.* [152] 507; 2R.* 600; 3R.* 964
l. 1R.* [152] 1045; 2R.* 1241; 3R.* 1415
Royal Assent, [153] 792

Bury, Viscount, *Norwich*
Delhi and Lucknow, [153] 387
Household Infantry, Com. moved for, [153] 283
Marriage Law Amendment, Leave, [152] 188; 2R. 434, 456
Newfoundland Fisheries, Papers moved for, [152] 1662, 1674, 1676
Representation of the People, 2 R. [153] 428

Business of the House,
c. Observations (Sir J. Pakington), [152] 606

Business, Private,
c. Question (Col. W. Patten), [153] 1383

Business, Public,
c. Observations (Chancellor of the Exchequer), [153] 1384

Buxton, Mr. C., *Newport, Isle of Wight*
"Charles et Georges," Address moved, [152] 1503
"Czar," Storeship, Wreck of the, [152] 276
Immigration, Explanation, [153] 29
Marriage Law Amendment, 2R. [152] 441
West Indies, Com. moved for, [152] 1219, 1237

Byng, Hon. G. H. C., *Middlesex*
Conveyance of Voters, 2R. [152] 1159
Jews, Leave, [152] 1177, 1183
Representation of the People, 2R. [153] 559

Caird, Mr. J., *Dartmouth*
Agricultural Statistics, Res. [152] 780, 785
Guano, Supply of, [152] 511, 533, 534
Registers of Titles, (Scotland) [152] 1170

Cairns, Sir H. M., *see* Solicitor General, The

Cambridge, Duke of, General Commanding in Chief
India—Vote of Thanks to the Governor General, &c., [153] 1716, 1717

Campbell, Lord
Affidavits by Commission, 2R. [153] 1544
Chancery, Court of—The new Courts, [153] 1599
Debtor and Creditor, 2R. [152] 953
Divorce Court, [153] 1380, 1381
Education, (Scotland), [152] 506
Evidence, Law of, further Amendment, 1R. [152] 761, 764
Indictable Offences, 3R. [153] 1149, 1150, 1538
Juries in Civil Causes, 2R. [153] 1010, 1019, 1021, 1026, 1040
Letters, Compulsory Prepayment of, [152] 678
Petitions of Right, 2R. [153] 1544
Property, &c., Law of, 3R. [152] 469
Thames Watermen and Lightermen, Recom. [153] 1617, 1623, 1689
Vexatious Indictments, 2R. [152] 1045, 1050
Westminster Clock, The, [153] 793, 1858

Cardwell, Rt. Hon. E., *Oxford City*
East India Loan, Res. [152] 578
Landed Estates, Titles to, Com. [153] 127
Merchant Shipping, Com. moved for, [152] 1103
Navy Estimates, [153] 84, 85, 162, 164
Representation of the People, 2R. [153] 839, 1090

Carlisle, Earl of
Address in Answer to the Speech, [152] 55
Right of Search, [152] 326

Carlisle, Bishop of
Marriage Law Amendment, 2R. [153] 521

Carnarvon, Earl of (Under Secretary for the Colonies)
Convict Prisons Abroad, 2R. [153] 235
Hong Kong—Case of Wm. Tarrant, [152] 1167, 1168
Immigration Act (Jamaica) [152] 170, 179
Ionian Islands, The, [152] 463
Local Government, 2R. [153] 1773
Medical Act (1858) Amendment, Commons' Reasons, [153] 1624
Singapore, [152] 1605

Carnegie, Captain, Case of,
c. Observations (Sir J. Pakington), [153] 1625

Cashmere Gate, Blowing in the
c. Observations (Mr. Cowan) [153] 1591

Castlerosse, Rt. Hon. Viscount, *Kerry County*
"Phœnix Society," Trials, [153] 1549, 1551
Savings' Banks (Ireland), [153] 14

Cayley, Mr. E. S., *Yorkshire N. Riding*
Parliamentary Reform, [153] 1575

Cecil, Lord R. T. G., *Stamford*
Church Rates Abolition, Com., [153] 531
Representation of the People, 2R., [153] 476

Chancellor, The Lord (Rt. Hon. Lord Chelmsford)
Chancery, Court of, Accommodation, 1R., [153] 89
Chancery, Court of—The New Courts, [153] 1597
County Courts, 2R., [153] 386
Debtor and Creditor, 1R. [152] 118; 2R. 953, 961; Com. *cl.* 2, 1264, 1265; *cl.* 93, 1266; *cl.* 111, 1268, 1269; *cl.* 141, 1270; Rep. [153] 5; *add. cl.*, 8; 3R., 228, 235
Divorce Court, [153] 1381
Evidence, Law of, further Amendment, 1R. [152] 764
India—Acknowledgment of Vote of Thanks to the Civil Service, &c., [152] 211
Indictable Offences (Metropolitan Districts) 1R. [152] 1610, 1617; 3R., [153] 1149, 1539
Juries in Civil Causes, 2R., [153] 1028
Land, Sale and Purchase of, [152] 688
Manslaughter, 2R., [153] 1150
Petitions of Right, 2R., [153] 1544
Parliament, Prorogation of, [153] 1898, 1900
Real Estate, Transfer of, [152] 501
Recreation Grounds, 2R., [153] 1382
Trading Companies Winding-up, 1R. [152] 215
Vexatious Indictments, 2R., [152] 1047

Chancellor of the Exchequer (Rt. Hon. B. Disraeli), *Buckinghamshire*
Address in Answer to the Speech, [152] 82
Adjournment of the House, Motions on, [152] 509
Admiralty, Lords of the, [153] 1643, 1646
Alexandria, Telegraph to, [152] 472
Army Estimates, [152] 1175
Atlantic Telegraph, [152] 186, 857, 965, 1473
Berwick, The Candidate for, [153] 1729
Bonding Warehouses, Inland, [153] 94, 912
Borough Electors, [152] 1618
British Museum, [152] 249; Com. moved for, [153] 265
Business of the House, [152] 607
Business, Public, [153] 1384, 1386
"Charles et Georges," Address moved, [152] 1566
Church Rates Abolition, [152] 1351; 2R., 1598; [153] 24; Com., 530, 1043
County Voters, [152] 1171
Decimal Currency, [153] 352
Dockyard expenditure, [153] 80
East India Loan, [152] 383
Ecclesiastical Commission, [152] 1475
Education, Reports of Inspectors, Address moved, [152] 709

[*cont.*

CHANCELLOR of the EXCHEQUER, The—*cont.*
Europe, State of—Evacuation of the Roman States, [152] 878; [153] 1546, 1765; Statement, 1863
Exchequer Bills, Funding of, [152] 186, 1640
Fire Insurance Duty, [152] 332
Government Property, Rating of, [152] 403
Higgins, Mr., Appointment of, [152] 339, 402
Highways, [152] 1351
Hudson's Bay Company, Papers moved for, [152] 1677
Jamaica Immigration, [153] 1827
Japan, Consul in, [152] 509
Jews, Leave, [152] 1184
Kingstown Harbour, [152] 1349
Landlord and Tenant (Ireland), [152] 1620
Mail Contracts, [153] 914
Ministerial Statement, [153] 1301, 1342, 1345
Monies Public, [152] 341, 342
National Gallery, The, [152] 182, 184; The "Apollo and Marsyas," [153] 819, 820, 1826
Parliament, Dissolution of, [153] 1579, 1582, 1583, 1609, 1610, 1827, 1900
Parliamentary Reform, [152] 141, 142; (Ireland), 472
"Phœnix Society" Trials, [153] 1550, 1551
Proctors, Compensation to, [153] 29
Reform Bills, The, [152] 333, 858, 1284, 1287; [153] 11, 249, 250, 1576
Representation of the People, Leave, [152] 966, 1038; 2R., [153] 389, 481, 692, 913, 1009, 1043, 1158, 1230, 1247, 1264
Savings' Banks Account, [152] 335
Savings' Banks (Ireland), [153] 14
Spirits, Duty on, (Ireland), [152] 249
Stamps on Patents of Appointments, [153] 1300
Sugar Duties, [152] 222
Superannuation, Leave, [152] 151, 154, 156; Com., [153] 372; *cl.* 11, 382; *cl.* 13, 1393
Supply, [152] 147;—Exchequer Bonds, [153] 1510, 1511
Telegraph Companies, Subsidies to, [152] 403
Thanksgiving, Day of, [153] 813
Ways and Means, [153] 85
Wood, Colonial and Foreign, Res., [152] 1200

Chancery, Court of, Accommodation Bill,
l. 1R., [153] 89; 2R.* 483

Chancery, Court of,—The New Courts,
l. Paper moved for (Lord Redesdale), [153] 1595

Chancery, Receivers in, (Ireland), Abolition Bill,
c. Leave, [152] 161; 1R.* *ib.*;
2R. 743.

Charitable Uses Bill,
c. Leave, [153] 294; 1R.* 330;
2R. 1147

"Charles et Georges" Affair,
l. Papers moved for (Lord Wodehouse), [152] 1415; Motion withdrawn, 1472
c. Question (Mr. Kinglake), [152] 332, 527; Reply (Mr. S. FitzGerald), 533, 695; Question (Lord J. Russell), 694; Address moved (Mr. Kinglake), 1478

CHARLESWORTH, Mr. J. C. D., *Wakefield*
Yorkshire, Assizes in [152] 400

CHEETHAM, Mr. J., *Lancashire, S.*
Bleaching and Dyeing Works, Leave [152] 836
India —Colonization and Settlement, Com. moved for, [152] 210
Mersey Docks and Harbour, 2R. [152] 396

CHELMSFORD, Lord, *see* CHANCELLOR, The Lord

Chichester Harbour,
c. Question (Gen. Codrington), [153] 352

CHILD, Mr. S., *Staffordshire, N.*
High Sheriffs' Expenses, 2 R., [153] 625

China,
Hong-Kong—Case of Wm. Tarrant, l. Petitions (Earl Grey), [152] 1167;— *Government Officers,* Question (Mr. Ridley), [153] 12
Naval Expenditure, c. Question (Sir H. Willoughby), [153] 1430
Operations in—Medals and Prize-Money, c. Question, (Sir G. Pechell), [152] 767
Opium, Trade in, c. Question (Mr. Gilpin), [152] 340
Salt, Trade in, l. Question (Lord Stanley of Alderley) [153] 1264
Tariff and Trade Regulations, c. Question (Mr. Gregson), [152] 472

Church Rates,
c. Res. (Sir A. Elton), [152] 1653; Motion withdrawn, 1662

Church Rates Bill,
c. Leave, [152] 610; 1R.* 738;
Question (Mr. V. Smith), 1351;
2R. 1567; Amend. (Sir J. Trelawny), 1572, [*o. q.* A. 171, N. 254, M. 83] 1598

Church Rates Abolition Bill,
c. Question (Sir J. Trelawny), [152] 182;
Leave, 199; 1R.* 201;
2R. Adj. moved (Mr. B. Hope), [A. 108, N. 173, M. 65] 1682; Adj. moved (Mr. Bentinck), 1683; Motion withdrawn, 1684; [153] 170; Amend. (Mr. Griffith), 173; Amend. withdrawn, 175; Amend. (Mr. B. Hope), 184, [*o. q.* A. 242, N. 168, M. 74] 194;
Question (Mr. Schneider) [153] 24;
Observation (Mr. J. S. Wortley), [153] 243;
Com. 530;
Question (Mr. Newdegate) [153] 1042

Church Rates Commutation Bill,
c. 1R.* [152] 180;
2R. [152] 738; Amend (Mr. Collins), 740

Church Rates Relief Bill,
l. 1R. [153] 10

CHURCHILL, Lord A. S,, *Woodstock*
Australia, Naval Defences of, [152] 1292

City of London Union Bill,
c. 1R.* [152] 180;
2R. 393; Amend. (Mr. Ald. Copeland), [o. q. A. 57, N. 89, M. 32] [152] 395

Civil Service,
c. Question (Mr. Hopwood), [153] 1559

Civil Services—Supply,
c. [153] 1441; Amend. (Mr. Lindsay), 1442; Amend. withdrawn, 1443

CLANRICARDE, Marquess of
Companies Act (1859) Recom. [153] 687
Deserted Children (Ireland), [153] 794
Europe, State of, [153] 1529
India—The Queen's Proclamation, Papers moved for [153] 312, 329:— Finance, Address moved, 807
Irish Magistracy, The, [153] 306
Mails, The Irish, [153] 1605
Metropolitan Board of Works, [153] 1857, 1858
Postal Communication with Ireland, [152] 1347
Thames Watermen and Lightermen Re-com. [153] 1622

CLARENDON, Earl of
Europe, State of—Evacuation of the Roman States, [152] 945; [153] 904, 1689; Statement, 1839
Montenegro, [153] 236, 241
Right of Search, [152] 321, 324
Stade Dues, [153] 167

CLAY, Mr. J. *Kingston-upon-Hull*
Merchant Shipping, Com. moved for, [152] 1101
Representation of the People, Leave, [152] 1011; 2R. [153] 1263
Stade Dues, [152] 143

Clearance Inwards and Lien for Freight Bill
c. Leave, [153] 1652; 1R.* *ib.*

CLIFFORD, Lieut. Col. H. M. *Hereford*
Newbury and Hereford Magistracy, [153] 1796

CLIFFORD, Mr. C. C., *Isle of White*
Fox, Torture of a, [152] 1055

CLIVE, Mr. G., *Hereford*
Advertisements, Government, [152] 335
Hereford, New Magistrates for, [153] 1564, 1590, 1591, 1799
Higgins, Mr., Appointment of, [152] 335, 336, 340, 402
Superannuation, Com. *cl.* 2, Amend. [153] 378

Clock, The, at Westminster
l. Question (Lord Campbell) [153] 793, 1858
c. Question (Mr. Hankey), [152] 1173

Coalwhippers' Bill,
l. 1R.* [152] 211

COBBETT, Mr. J. M., *Oldham*
Bleaching and Dyeing Works, Leave, [152] 835
Representation of the People, 2R. [153] 1120, 1157, 1187

CODRINGTON, Lieut. Gen. Sir W. J., *Greenwich*
Army Estimates, [152] 1331, 1334, 1338, 1402, 1409, 1412, 1413; [153] 1515
Cawnpore, Action at, [153] 1727
Chichester Harbour, [153] 352
Household Infantry, Com. moved for, [153] 288
India, Vote of Thanks to the Governor General, &c., [153] 1761, 1807
Land Transport Corps, [152] 473; [153] 1041
Local Assessment Exemption Abolition, Leave, [152] 674
London Bridge, Works at, [152] 767
Marine Mutiny, Com. [153] 166
Military Organization, Com. moved for, [152] 1650
Mutiny, Com. [153] 166
Navy and Coastguard, Res. [152] 1310
Navy Estimates, [153] 1454
Regimental Quartermasters, Address moved, [153] 273
Superannuation 2R. [152] 595; Com. *cl.* 1, [153] 376
Thames Conservancy Board, [152] 857
Woolwich, Exemption, 2R. [152] 600

COGAN, Mr. W. H. F., *Kildare Co.*
Business, Public, [153] 1386
County Prisons (Ireland), Return moved for, [152] 836, 838
Galway Mail Contract, [153] 1574
Manor Courts (Ireland), Com. *cl.* 5, [152] 755
Markets (Ireland), 2R. [152] 664; Com. *cl.* 29, Amend. [153] 1148
Ministerial Statement, [153] 1341
Superannuation, Com. *cl.* 13, Amend. [153] 1387, 1393
Yacht Club, Royal Western, Papers moved for, [153] 1526

Coinage Bill,
c. 1R.* [153] 1727

COLCHESTER, LORD, (Postmaster General)
Letters, Compulsory Prepayment of, [152] 676; Papers moved for, 758
Mails, The Irish, [153] 1606
Postal Communication with Ireland, [152] 1347

COLEBROOKE, Sir T. E., *Lanarkshire*
County Voters (Scotland), Registration of, Leave, [152] 497; 2R. [153] 209
Excisable Liquors (Scotland), Com. moved for, [152] 1214

COLLIER, Mr. R. P., *Plymouth*
Conveyance of Voters, Leave, [152] 716, 723, 732; 2R. 1157, 1159
Merchant Shipping, Com. moved for, [152] 1086
Representation of the People, 2R. [153] 1082
Superannuation, Leave, [152] 155

COLLINS, Mr. T., *Knaresborough*
Church Rates Commutation, 2R. Amend. [152] 740
Elections, 2R. [152] 740, 741
Representation of the People, 2R. [153] 1119, 1191

Colonial Postage,
c. Question (Mr. Steuart), [152] 514

Colonies, The,
c. Question (Colonel Sykes), [152] 473

Combination of Workmen Bill,
c. 1R.* [152] 1472; 2R.* [153] 1415; 3R.* 1545
l. 1R.* [153] 1594;
2R. 1624; 3R.* 1772
Royal Assent, 1898

Commissions, Sale and Purchase of,
c. Question (Sir De L. Evans), [152] 329; [153] 34; (Capt. Vivian), 1555

Common Rights, &c., (War Department) Bill,
c. 1R.* [153] 387; 2R.* 688; 3R.* 1040
l. 1R.* [153] 1149; 2R.* 1266; 3R.* 1474
Royal Assent, 1528

Companies Act (1859) *Bill,* [*Formerly Trading Companies Winding up Bill,*]
l. Recom. [153] 678; 3R.* 903

Confidence, Vote of want of,
c. Withdrawal of Notice (Mr. W. O. Stanley) [153] 912

Confirmation and Probate Act (1858) *Amendment Bill,*
c. 1R.* [153] 1508; 2R.* 1545; 3R.* 1625
l. 1R.* [153] 1617; 2R.* 1772; 3R.* 1828
Royal Assent, 1897

CONINGHAM, Mr. W., *Brighton*
Ballot, Leave, [153] 1682
Europe, State of, Statement, [153] 1885
Foreign Office, The New, [152] 522, 1174
Government Offices, The New, [152] 269
Household Infantry, Com. moved for, [153] 291
Jews, Leave, [152] 1183; Report, [153] 1770
National Gallery—The "Apollo and Marsyas," [153] 817, 819, 1825
Rothschild, Baron Mayer de, Admission of, Res. [152] 461

CONOLLY, Mr. T., *Donegal Co.*
Representation of the People, 2R. [153] 1009

Consolidated Fund (£1,222,383, 8*s*. 9*d*.) *Bill,*
c. 1R.* [153] 198; 2R.* 243; 3R.* 387
l. 1R.* [153] 386; 2R.* 483; 3R.* 678
Royal Assent, 792

Consolidated Fund (£11,000,000) *Bill,*
c. 1R.* [153] 198; 2R.* 243; 3R.* 387
l. 1R.* 386; 2R.* 483; 3R.* 678
Royal Assent, 792

Consolidated Fund Appropriation Bill,
c. 1R.* [153] 1607; 2R.* 1625;
3R. 1765
l. 1R.* [153] 1688; 2R.* 1772; 3R.* 1828
Royal Assent, 1897

Consular Service, The,
c. Question (Mr. M. Milnes) [153] 1561

Conveyance of Voters Bill,
c. Leave, [152] 716; 1R.* 732;
2R. 1157; Adj. moved (Mr. Hunt), *ib.*; Motion withdrawn, 1160; Amend. (Mr. Hunt), 1165, [A. 172, N. 153, M. 19] 1166

Convict Prisons Abroad Bill,
l. 1R.* [152] 1601;
2R. [153] 235; 3R.* 678
c. 1R.* [153] 1508; 2R.* 1607;
Com. 1687; 3R.* 1727
l. Royal Assent, [153] 1897

COPELAND, Mr. Ald. W. T., *Stoke-upon-Trent*
City of London Union, 2R. Amend. [152] 394
Poor Law Board (Payment of Debts), 2R. [152] 944

Cork, Bishop of,
Marriage Law Amendment, 2R. [153] 507, 514, 524

Corrupt Practices Prevention Act,
c. Question (Mr. H. Berkeley), [152] 185

CORRY, Rt. Hon. H. T. L. (Secretary to the Admiralty), *Tyrone Co.*
Chichester Harbour, [153] 353
Dockyard Expenditure, [153] 76
Marine Mutiny, Com. [153] 167
Navy and Coastguard, Res. [152] 1302
Navy Estimates, [153] 162;—State of the, Papers moved for, 300

County Court Prisoners,
c. Question (Mr. Hughes), [153] 1299, 1508

County Courts Bill,
c. Leave, [152] 1237; 1R.* 1238;
2R. [153] 87; 3R. 198
l. 1R.* [153] 224;
2R. 386; 3R.* 678
Royal Assent, 792

County Prisons (*Ireland*) *Bill,*
c. Leave, [152] 222; 1R.* 225; 2R.* 855;
Com. [153] 1398; Order discharged, 1399

County Voters,
c. Question (Mr. Dodson), [152] 1171

County Voters (Scotland) Registration of, Bill,
  c. Leave, [152] 497; 1R.* 498; 2R. [153] 209

COWAN, Mr. C., *Edinburgh*
  Army Estimates, [152] 1412
  Bankruptcy and Insolvency, 2R. [153] 204
  Billeting in Scotland, [153] 11
  Cashmere Gate, Blowing in of the, [153] 1592
  Edinburgh, &c. Annuity Tax, 2R. [153] 651
  Mutiny, Com. [153] 164
  Postage Envelopes, [153] 817, 1042
  Receipt Stamps (Scotland), Allowance on, [153] 245
  Superannuation, Com. *add. cl.* [153] 1398
  Trial by Jury (Scotland), 2R. [153] 1132

COWPER, Rt. Hon. W. F., *Hertford*
  British Museum, Com. moved for, [153] 270
  Church Rates, Res. [152] 1660
  Education, Reports of Inspectors of, Address moved, [152] 695, 711, 714
  Mail Contracts, [153] 914
  Mail Service (Galway and America), Papers moved for, [153] 1402

COX, Mr. W., *Finsbury*
  City of London Union, 2R. [152] 394
  Conveyance of Voters, Leave, [152] 728
  Joint-Stock Companies, Leave, [152] 1477, 1478
  Local Assessment Exemption Abolition, Leave, [152] 674
  Manor Courts (Ireland) Com. *cl.* 4, [152] 754; Recom. Adj. moved, 1239
  Representation of the People, [153] 333; 2R. 1120

CRANWORTH, Lord
  Chancery, Court of—The New Courts, [153] 1599
  "Charles et Georges," Papers moved for, [152] 1467
  Debtor and Creditor, 1R. [152] 139; 2R. 957; Com. *cl.* 93, 1265; *cl.* 111, 1268, 1269; *cl.* 141, 1270; Rep. [153] 6; 3R. 224, 234
  Divorce Court, [153] 1381
  Ecclesiastical Courts and Registries (Ireland), 2R. [152] 760
  Indictable Offences (Metropolitan Districts,) 1R. [152] 1617
  Juries in Civil Causes, 2R. [153] 1035
  Land, Sale and Purchase of, [152] 685, 691
  Marriage Law Amendment, 2R. [153] 505
  Medical Act (1858) Amendment, Com. [153] 687
  Vexatious Indictments, 2R. [152] 1049

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
  Billeting System, [152] 144
  Excisable Liquors (Scotland) Com. moved for [152] 1207
  Paper-Weighing—Messrs. Rawlings, [152] 769
  Representation of the People, Leave, [152] 1013
  Superannuation, Com. *cl.* 7, Amend. [153] 379; *cl.* 13, 1392; *add. cl.* 1398

CRAWFORD, Mr. R. W., *London*
  Alexandria, Telegraph to, [152] 472
  Bankruptcy and Insolvency, 2R. [153] 204; Com. 1142
  City of London Union, 2R. [152] 393
  East India Loan, Res. [152] 576; Com. *cl.* 1, [153] 86, 87; 3R. 1357
  Merchant Shipping, Com, moved for, [152] 1088
  Ministerial Statement, [153] 1341, 1345
  "Newport," The [152] 965
  Portugal—Claims of British Traders, [152] 1273
  Yeh, Commissioner, [153] 249

Criminal Writings Bill
  c. 1R.* [153] 1727

CROOK, Mr. J., *Bolton*
  Bleaching and Dyeing Works, Leave, [152] 834

CROSS, Mr. R. A., *Preston*
  Municipal Elections, Leave, [152] 225, 226; 2R. 735; Com. *cl.* 11, 1677; *cl.* 13, 1678; *add. cl.* 1679, 1680, 1681; Consid. [153] 222, 223, 224

CROSSLEY, Mr. F., *Halifax*
  Army Estimates, [152] 1341
  Bankruptcy and Insolvency, 2R. [153] 207
  Education, Report of Inspectors of, Address moved, [152] 712
  Representation of the People, Leave, [152] 1031; 2R. [153] 574
  West Indies, Com. moved for, [152] 1236

Cruelty to Animals Act Amendment Bill
  c. 1R.* [153] 1040

CUBITT, Mr. Alderman W., *Andover*
  Church Rates, Leave, [152] 654

"Czar," Storeship, Wreck of the,
  c. Question (Mr. Buxton), [152] 276

DALGLISH, Mr. R., *Glasgow*
  Marine Engines, [152] 221

Danube, The
  c. Question (Mr. Dodson) [153] 813

Danubian Principalities,
  l. Question (Earl of St. Germans) [152] 212; [153] 4
  c. Observations (Mr. Stapleton) [152] 1288

DAVISON, Mr. R., *Belfast*
  Mail Service (West Indian and Brazilian) [153] 1547
  Manor Courts (Ireland), Com. [152] 742, 747; *cl.* 4, 752

DEASY, Mr. Serjeant R., *Cork Co.*
  Conveyance of Voters, Leave, [152] 725
  County Prisons (Ireland), Return moved for, [152] 837
  Endowed Schools (Ireland), [152] 508
  Landed Estates, Titles to, Com. [153] 111

[*cont.*

Deasy, Mr. Serjeant R.—*cont.*
Lunatic Poor (Ireland), 2R. [152] 667
Manor Courts, (Ireland), Com. *cl.* 1, [152] 750; *cl.* 4, 752, 753; *cl.* 5, 755
Political Prisoners (Ireland) [153] 25
Representation of the People, 2R. [153] 1119
Roman Catholic Sailors, [153] 689
Superannuation, 2R. [152] 595; Com. *cl.* 1, [153] 377; *cl.* 11, 382

Debtor and Creditor Bill,
l. 1R. [152] 118;
2R. 949;
Com. *cl.* 1, 1263; *cl.* 2, 1264;
cl. 93, 1265; *cl.* 111, 1268;
cl. 141, 1269; *add. cl.* 1271;
Rep. [153] 5;
add. cl. (Lord St. Leonards) 6, [Contents 9, Not-Contents 18, M. 9] 10;
3R. 224; Amend. (Lord Cranworth) 228, [*o. q.* Contents 38, Not Contents 23, M. 15] 233
c. 1R. [153] 387; 2R.* 1299;—see *Bankruptcy and Insolvency Bill*

Decimal Currency.
c. Question (Mr. Beamish) [153] 352

Deedes, Mr. W., *Kent, E.*
Church Rates Abolition, 2R. [153] 183
Conveyance of Voters, 2R. [152] 1162
Ministerial Statement, [153] 1327

Denison, Rt. Hon. J. E., *see* Speaker, The

Denison, Hon. W. H. F., *Beverley*
Representation of the People, 2R. [153] 723

Dent, Mr. J. D., *Scarborough*
Militia Commission, [152] 250
Representation of the People, 2R. [153] 853

Derby, Earl of, (First Lord of the Treasury)
Address in Answer to the Speech, [152] 34, 40, 41
Assassinations in Ireland, Returns moved for, [152] 233
"Charles et Georges," Papers moved for, [152] 1460
Debtor and Creditor, Com. *cl.* 111, [152] 1269
East India Loan, 1R. [153] 1382; 2R. 1474, 1507
Ecton and Walton Exchange, 1R. [152] 470
Education (India), [152] 1169; [153] 1790
Education (Ireland) [153] 308
Education (Scotland), [152] 505
Europe, State of, Statement, [153] 1849
Galway Port and Harbour, [152] 679
India—The Queen's Proclamation, Papers moved for, [153] 316, 325;—Finance, Address moved, 801, 810;—Vote of Thanks to the Governor General, &c., 1690, 1716, 1726;—Education, Returns moved for, 1790;—The Army—Prize Property, 1859
Ionian Islands, The, [152] 465, 466, 467, 468, 596, 598, 599, 757; [153] 1; Explanation, 793
Local Government, 2R. [153] 1773
[*cont.*

Derby, Earl of—*cont.*
Mails, The Irish, [153] 1602
Militia Commission, [152] 243
Ministerial Statement, [153] 1265,* 1266, 1294
Metropolitan Board of Works, [153] 1857, 1858
Municipal Franchise, Com. moved for, [152] 843, 850
Occasional Forms of Prayer, 2R. [152] 850, 852
Pennefather, Mr. Ex-Baron, [153] 810
Property, &c., Law of, 3R. [152] 468, 470
Red Sea and India Telegraph Company (No. 2), 3R. [153] 1774, 1778, 1828, 1829
Right of Search, [152] 326
Royal Academy, The, [152] 1249
Singapore, [152] 1608
Telegraph from Naples to Malta, [152] 1256, 1263
Thanksgiving, Public, [152] 854
Water-Colour Society, [153] 310
Westminster Clock, The, [153] 794, 1858

Desart, Earl of
Assassinations in Ireland, Returns moved for, [152] 236

De Vere, Mr. J. E., *Limerick Co.*
Lunatic Poor (Ireland), Com. [153] 218
Manor Courts (Ireland), Com. [152] 743; *cl.* 4, 754
Newbury and Hereford Magistracy, [153] 1801

Dhar, Principality of
c. Question (Mr. J. B. Smith), [152] 693

Dickson, Lieut.-Col., Case of,
c. Question (Mr. T. Duncombe), [153] 1862

Dillwyn, Mr. L. L., *Swansea*
Business, Public, [153] 1386
Endowed Schools, Leave, [152] 150
Endowed Schools (No. 2), Leave, [152] 1113; 2R. postponed, [153] 1157; Bill withdrawn, 1652
Hereford Magistrates [153] 1591
Kew, Conservatory at, [152] 1349
Municipal Elections, Leave, [152] 225
New South Wales—The Ballot, [152] 473
Representation of the People, 2R. [153] 1158

Disraeli, Rt. Hon. B., *see* Chancellor of the Exchequer

Divett, Mr. E., *Exeter*
Municipal Elections, Com. *cl.* 13, Amend. [152] 1678

Divorce Court, The
l. Observations (Lord Campbell), [153] 1380
c. Question (Mr. James), [153] 688

Dobbs, Mr. W. C., *Carrickfergus*
Criminal Law (Ireland), [152] 856
Land, Sale and Transfer of, (Ireland), Leave, [152] 160
Manor Courts (Ireland), Recom. *cl.* 1, [152] 1241
[*cont.*

DOBBS, Mr. C.—*cont.*
Poor Relief (Ireland) Act Amendment, 2R. Adj. moved, [153] 676
Superannuation, 2R. [152] 596
Titles to Landed Estates, Leave, [152] 308

Dockyard Expenditure,
c. Motion (Lord C. Paget), [153] 39, [A. 97, N. 117, M. 20] 83

DODSON, Mr. J. G., *Sussex, E.*
County Voters, [152] 1171
Danube, The, [153] 813
Representation of the People, Leave, [152] 1009; 2R. [153] 570

DONOUGHMORE, Earl of, (President of the Board of Trade)
Combination of Workmen, 2R. [153] 1625
Companies Act (1859), Recom. [153] 678
Debtor and Creditor, 3R. [153] 232
Deserted Children (Ireland), [153] 794
East India Loan, 1R. [153] 1382; 2R. 1506
Ecclesiastical Courts and Registries (Ireland), 2R. [152] 760; Com. *cl.* 4, 1346
Irish Magistracy, The, [153] 306
Leasing Powers (Ireland), [153] 386
Manor Courts, &c., (Ireland), 3R. [153] 909
Red Sea and India Telegraph Company (No. 2), 3R. [153] 1777
Shipping Interest—Passing Tolls, [152] 387
Telegraph Companies, Contracts with, Papers moved for, [153] 89
Thames Watermen and Lightermen, Recom. [153] 1620

DOWN AND CONNOR, Bishop of
Ecclesiastical Courts and Registries (Ireland), [152] 1345, 1347
Education (Ireland), [153] 308

Drainage, Metropolitan,
c. Question (Mr. W. Williams), [153] 93

DRUMMOND, Mr. H., *Surrey, W.*
Army Estimates, [152] 1330
Church Rates, 2R. [152] 1589
Church Rates Abolition, Leave, [152] 200
Marriage Law Amendment, 2R. [152] 442
Masters and Operatives, [153] 816
Ministerial Statement, [153] 1322
Representation of the People, Leave, [152] 1029; 2R. [153] 848
Summary Commitments, [153] 339
Superannuation, Com. *cl.* 1, [153] 377; 3R. 1523

DUCANE, Mr. C., *Essex, N.*
Representation of the People, 2R. [153] 1159

DUCIE, Earl
Thames Watermen and Lightermen, Recom. [153] 1620

DUFF, Mr. M. E. G., *Elgin, &c.*
British Museum, Com. moved for, [153] 271

DUNBAR, Sir W., *Wigton, &c.*
British Columbia, [152] 1271
Edinburgh, &c. Annuity Tax, 2R. [153] 655
Education (Scotland), [152] 767

DUNCAN, Viscount, *Forfarshire*
Edinburgh, &c. Annuity Tax, 2R. [153] 670
Education, Res. [152] 496
Excisable Liquors (Scotland), Com. moved for, [152] 1218
India—The New Tariff, [153] 1728, 1801
Representation of the People, Leave, [152] 1010
Westminster New Bridge, 2R. [153] 1794

DUNCOMBE, Hon. Rear Adm. A., *Yorkshire, E. Riding*
Admiralty, Lords of the, [153] 1639, 1651
Flag Officers, [153] 1820
Navy Estimates, [152] 941, [153] 162;—Manning The, 1055
Ships and Steamers, Returns moved for, [152] 780

DUNCOMBE, Mr. T. S., *Finsbury*
Admiralty, Lords of the, [153] 1656
Dickson, Lieut.-Col., Case of, [153] 1862, 1863
Europe, State of, [153] 1879
Highways, [152] 1350
Huntingdon Magistracy, [153] 14, 19; Explanation, 334, 336
Jews, Leave, [152] 1175, 1186, 1188
Newbury and Hereford Magistracy, [153] 1794
Parliament, Dissolution of, [153] 1900
Parliamentary Reform, [152] 140, 141
Patent Law, [152] 248
Smithfield, [152] 605

DUNGANNON, Viscount
Assassinations in Ireland, Returns moved for, [152] 236
Glebe Houses, Dilapidations in, [152] 168
Manor Courts, &c., (Ireland), 3R. [153] 911
Marriage Law Amendment, 2R. Amend. [153] 491, 494

DUNKELLIN, Lord, *Galway*
Galway Mail Contract, [153] 1570
Galway Port and Harbour, [152] 108
Queen's Colleges, (Ireland), [152] 694

DUNLOP, Mr. A. M., *Greenock*
Deeds, Stamps on, (Scotland), [153] 247
Education, Res. [152] 496
Law Ascertainment, 2R. [153] 1135, 1141
Trial by Jury (Scotland), Leave, [152] 788; 2R. [153] 1120

DUTTON, Hon. R. H., *Hampshire, S.*
Representation of the People, 2R. [153] 728

East India Loan,
c. Notice (Lord Stanley), [152] 346; Motion withdrawn, 384; Com. Res. (Lord Stanley), 534; Report, 659

East India Loan Bill,
c. 1R.* [152] 1170;
2R. 1352;
Com. *cl.* 1, [153] 86;

cont.

East India Loan Bill—cont.
3R. 1346
l. 1R. [153] 1382;
2R. 1474; 3R.* 1507
Royal Assent, 1528

EBURY, Lord
Thames Watermen and Lightermen, Explanation, [153] 1688

Ecclesiastical Commission Bill,
c. Leave, [152] 314; 1R.* *ib.*;
Question (Mr. Knatchbull-Hugessen), [152] 1475

Ecclesiastical Courts and Registries (Ireland) Bill,
l. 1R.* [152] 596;
2R. [152] 760;
Com. *cl.* 4, Amend. (Bishop of Down), [152] 1345; Amend. neg. 1347;
3R.* [153] 87
c. 1R.* [153] 198; 2R.* 688

Ecclesiastical Residences (Ireland) Bill,
l. 1R.* [153] 386; 2R.* 483

Ecton and Wilton Exchange Bill,
l. 1R. [152] 470; 2R.* 596; 3R.* 1415

Edinburgh, &c. Annuity Tax Bill,
c. Leave, [152] 497; 1R.* *ib.*;
2R. [153] 625; Amend. (Mr. C. Bruce), 632, [*o. q.* A. 216, N. 176, M. 40] 672

Education (India),
l. Postponement of Motion (Duke of Argyll), [152] 1168; Returns moved for (Duke of Argyll) [153] 1778
c. Observations (Mr. Warren) [152] 773

Education (Ireland),
l. Question (Bishop of Down and Connor), [153] 308
c. Question (Mr. Lefroy), [153] 93; Order discharged (Mr. Sullivan), 1412

Education, Reports of Inspectors of
c. Address moved (Mr. Cowper), [152] 695; Motion withdrawn, 714

Education (Scotland),
l. Question (Earl of Airlie), [152] 501
c. Res. (Viscount Melgund), [152] 491; Motion neg. 497; Question (Sir W. Dunbar), 767

EDWARDS, Major H., *Beverley*
Army Estimates, [152] 1339
Guano, Supply of, [153] 388
Representation of the People, 2R. [153] 1009, 1078

EGERTON, Mr. E. C., *Macclesfield*
Representation of the People, 2R. [153] 1186

ELCHO, Lord, *Haddingtonshire*
British Museum, [152] 249; Com. moved for, [153] 259
Edinburgh, &c. Annuity Tax, 2R. [153] 664
Ministerial Statement, [153] 1335, 1336
Representation of the People, 2R. [153] 932, 1153, 1154, 1155

Elections, &c., Bill,
c. 1R.* [152] 180
2R. 740; [153] 198

ELLENBOROUGH, Earl of,
Debtor and Creditor, Rep. *add. cl.* [153] 9
East India Loan, 1R. [153] 1382; 2R. 1494
Education (India), [152] 1169; Returns moved for, [153] 1782, 1785
India—The Queen's Proclamation, Papers moved for, [153] 316, 327;—Finance, Address moved, 796, 802, 809;—Vote of Thanks to the Governor General, &c., 1722;—The Army—Prize Property, 1858
Ionian Islands, The, [152] 466, 467, 468
Municipal Franchise, Com. moved for, [152] 846
Red Sea and India Telegraph Company (No. 2), 3R. [153] 1775, 1777
Singapore, [152] 1606
Water-Colour Society, [153] 311, 312

ELLICE, Rt. Hon. E., *Coventry*
Representation of the People, 2R. [153] 947
Superannuation, Com. *cl.* 13, [153] 1394

ELLICE, Mr. E., *St. Andrews,*
Edinburgh, &c. Annuity Tax, 2R. [153] 670
Excisable Liquors (Scotland), Com. moved for, [152] 1217
Reform Bills, The, [152] 1282

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Address in Answer to the Speech, Report, [152] 116
Dockyard Expenditure, [153] 66, 71
Navy Estimates, [152] 928; [153] 163, 164

ELTON, Sir A. H., *Bath*
Church Rates, Leave, [152] 639
Church Rates, Res. [152] 1653, 1661
Education, Reports of Inspectors of, Address moved, [152] 710
Regimental Quartermasters, Address moved, [153] 271, 273, 276

Endowed Schools Bill,
c. Leave, [152] 150; 1R.* 151

Endowed Schools (No. 2) *Bill,*
c. Leave, [152] 1113; 1R.* 1114;
2R. postponed, [153] 1157;
Bill withdrawn, 1652

Endowed Schools (Ireland),
c. Question (Mr. Serjeant Deasy), [152] 508

Enfield Factory, The
c. Question (Mr. Newdegate), [152] 1288, 1475

ENNIS, Mr. J., *Athlone*
Bequests Act (Ireland), [153] 388

ESMONDE, Capt. J., *Waterford Co.*
Lunatic Poor (Ireland), Leave, [152] 168
Ministerial Statement, [153] 1341

ESTCOURT, Rt. Hon. T. H. S., (†Chief Commissioner of the Poor Law, afterwards Secretary of State for the Home Department), *Wiltshire, N.*
Aberdeen Universities, [153] 1860
Ballot, Leave, [153] 1662
Bankruptcy and Insolvency, Com. [153] 1143
British Museum, Com. moved for, [153] 269, 385
Church Rates, 2R. [152] 1574
Church Rates, Res. [152] 1659
Church Rates Abolition, 2R. [153] 173
†Church Rates Commutation, 2R. [152] 740
Convict Prisons Abroad, Com. [153] 1687
County Courts, [153] 1299
Edinburgh, &c. Annuity Tax, 2R. [153] 669
Education, National, (Ireland), [153] 93; Order Discharged, 1413
Hereford Magistrates, [153] 1587, 1590, 1797
High Sheriff's Expenses, 2R. [153] 625
Huntingdon Magistracy, [153] 16, 19
Jersey, Laws of, Address moved, [153] 299
†Local Assessment Exemption Abolition, Leave, [152] 672, 674; [153] 1153
Markets (Ireland), Com. *cl.* 29, [153] 1149
Masters and Operatives, [153] 816
Municipal Elections, Com. *cl.* 11, [152] 1677; *cl.* 13, 1678; Consid. [153] 223
Naval Medical Annuities, &c., 3R. [153] 1611
Newspapers, Com. [153] 1523
Oaths Act Amendment, Com. [153] 218; *cl.* 1, 220, 221
Parliament, Dissolution of, [153] 1427
Parliamentary Voters (Ireland), Leave, [153] 293
"Phœnix Society" Trials, [153] 1553
†Poor Irremovable, Com. moved for, [152] 201, 204
†Poor Law Board (Payment of Debts), Leave, [152] 674; 2R. 945
Railway Tickets Transfer, Com. *cl.* 3, [153] 1612
Reformatory Hulk "Akbar," [153] 1861
St. James Baldersby Marriages Validity, 2R. [153] 221
Vexatious Indictments, 2R. [153] 1687
Welsh Juries—Baron Bramwell, [153] 1587
Witnesses, Remuneration to, [153] 691

Europe, State of,
l. Question (Bishop of Oxford), [152] 855; (Earl of Clarendon), 945; [153] 904; Observations (Marquess of Clanricarde), 1529; Notice (Earl of Malmesbury), 1689; Statement (Earl of Malmesbury), 1830
c. Observations (Viscount Palmerston), [152] 869; Notice (Viscount Palmerston), [153] 1508; Observations (Chancellor of the Exchequer), 1546; Statement (Chancellor of the Exchequer), 1863;—see *Austria*

EVANS, Lieut. Gen. Sir De L., *Westminster*
Adjournment, Motions on, [152] 511
Army Estimates, [152] 1322, 1324, 1330, 1333; [153] 1518, 1520, 1521
Army—Forty-first Regiment, [153] 246, 1802
Commissions, Sale and Purchase of, [152] 329, 330; [153] 34
India, Transit of Troops for, [152] 964;—The Artillery, [153] 342, 1651;—Vote of Thanks to the Governor General, &c., 1750
Military Organization, Com. moved for, [152] 1650
Rifled Cannons, [153] 38
Troops at Trinidad, [153] 246, 817, 1151, 1152 1802
Westminster New Bridge, 2R. [153] 1794

Evidence by Commission Bill,
c. Leave, [152] 715; 1R.* 716; 2R.* 1271; 3R.* [153] 92
l. 1R.* [153] 167; 2R.* 678; 3R.* 1149
Royal Assent, 1897

Evidence, Law of, further Amendment Bill,
l. 1R. [152] 760

EWART, Mr. J. C., *Liverpool*
Address in Answer to the Speech, Report, [152] 117
Galway Mail Contract, [153] 1574
Mersey Docks and Harbour, 2R. [152] 396
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1051

EWART, Mr. W., *Dumfries, &c.*
Asia, Central, [153] 824
East India Loan, [152] 381; 2R. 1381
Education, Reports of Inspectors of, Address moved, [152] 710
Female Emigration, [153] 34
India — Colonization and Settlement, Com. moved for, [152] 210, 211
Municipal Elections, 2R. [152] 737
Paper Duty, Exemptions from, [152] 1271
Real Estate Intestacy, 2R. [152] 1147
Sitting of the House, Res. [152] 190, 195

EWING, Mr. H. E. C., *Paisley*
West Indies, Com. moved for, [152] 1237

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

Exchequer Bills, Funding of
c. Question (Sir G. Lewis), [152] 186; Res. (Mr. Hankey), 1621; Motion withdrawn, 1644

Exchequer Bills—Supply,
c. [153] 1441

Exchequer Bills, (£13,277,400) *Bill,*
c. 1R.* [153] 1607; 2R.* 1625; 3R.* 1727
l. 1R.* [153] 1688; 2R.* 1772; 3R.* 1828
Royal Assent, 1897

Exchequer Bonds—Supply,
c. [153] 1434 ; Report, 1510

Exeter, Marquess of (Lord Steward of the Household)
Address in Answer to the Speech, Her Majesty's Reply, [152] 105

Exeter, Bishop of
Marriage Law Amendment, 2R. [153] *Appendix* lxv

Fagan, Mr. W. T., *Cork City*
Roman Catholic Oaths, Com. moved for, [152] 799

Farquhar, Sir W. M. T., *Hertford*
Consular Service, The, [153] 1563
Ministerial Statement, [153] 1331

Fellowes, Mr. E., *Huntingdonshire*
Huntingdon Magistracy, [153] 20, 338

Female Emigration,
c. Question (Mr. W. Ewart), [153] 34

Fenwick, Mr. H., *Sunderland*
Merchant Shipping, Com. moved for, [152] 1099
Wood, Colonial and Foreign, Res. [152] 1193

Ferguson, Sir R. A., *Londonderry City*
Tramways (Ireland), 2R. [152] 433

Finlay, Mr. A. S., *Argyllshire*
Excisable Liquors (Scotland), Com. moved for, [152] 1208
Herring Fisheries (Scotland), [152] 1272
Piers and Harbours, [152] 1619

Fire Insurance Duty,
c. Question (Mr. Hadfield), [152] 332

Fire Insurances,
c. Leave, [153] 295, [A. 102, N. 112, M. 10] 298

FitzGerald, Rt. Hon. J. D., *Ennis*
Bankruptcy and Insolvency, 2R. [153] 203
Business, Public, [153] 1386
Chancery, Receivers in, (Ireland) Abolition, 2R. [152] 743
Elections, 2R. [152] 741
Fishery Laws (Ireland), [152] 1054
Incumbered Estates Court (Ireland), [152] 1474 ; [153] 24, 25
Juries (Ireland), 2R. [152] 741, 1567
Law Ascertainment, 2R. [153] 1139
Local Assessment Exemption Abolition, Leave, [152] 674
Lunatic Poor (Ireland), 2R. [152] 669 ; Com. [153] 213 ; Amend. 215, 218
Manor Courts (Ireland), Com. [152] 743, 744 ; Res. 748 ; *cl.* 1, Amend. 749, 752 ; *cl.* 4, 753, 755 ; Re-com. *cl.* 1, 1240
Neapolitan Exiles, The, [152] 1475
"Phœnix Society" Trials, [153] 1553
Poor Relief (Ireland) Act Amendment, 2R. [153] 677

[*cont.*

FitzGerald, Rt. Hon. J. D.—*cont.*
Representation of the People, 2R. [153] 1114
Representation, The Irish, [152] 1287
Roman Catholic Oaths, Com. moved for, [152] 789, 831 ; Leave, 833
Superannuation, 2R. [152] 595 ; Com. *cl.* 13, [153] 1391, 1395
Tenant Right, [153] 1509

FitzGerald, Mr. W. R. S. (Under Secretary for Foreign Affairs), *Horsham*
Asia, Central, [153] 824
Austria and the Italian States, [152] 1274, 1276
"Charles et Georges, [152] 332, 533, 695 ; Address moved, 1508
China, Opium Trade in, [152] 341 ;—Tariff and Trade Regulations, 473
Consular Service, The, [153] 1562
Danube, The, [153] 814
Danubian Principalities, The, [152] 1290
Foreign Office Messengers, [153] 351
Guano, Supply of, [152] 530 ; [153] 388
"Herald," Seizure of the, by the Portuguese, [152] 768
Indian Coolies, Immigration of, into French Colonies, [152] 1057
Japan, Consular Appointments in, [152] 530, 695, 861, 868, 1056, 1057 ;—Importation of Opium into, [153] 1041
Markets (Ireland), Com. *cl.* 29, [153] 1149
Navigation Laws, [152] 531
Newfoundland Fisheries, Papers moved for, [152] 1675
Portugal—Claims of British Traders, [152] 1273
Right of Visit, [152] 1057
Sardinia—Enrolment of Deserters, [152] 1474
Slave Trade—The "Phœnix," [153] 690
Stade Dues, [152] 143, 1172

FitzRoy, Rt. Hon. H. (Chairman of Committees), *Lewes*
Business, Private, [153] 1383
Church Rates Commutation, 2R. [152] 740
Manor Courts (Ireland), Com. [152] 748
Masters and Operatives, [153] 816
Municipal Elections, Com. *add. cl.* [152] 1681
Superannuation, Com. *cl.* 1, [153] 377 ; *cl.* 2, 378
Supply—Civil Services, [153] 1442

Foley, Mr. H. J. W. H., *Staffordshire, S.*
Worcester County (Eastern Division) Writ, [152] 855

Foljambe, Mr. F. J. S., *East Retford*
Borough Electors, [152] 1618

Foreign Affairs—State of Europe,
l. Question (Bishop of Oxford), [152] 855 ; (Earl of Clarendon), 945 ; [153] 904 ; Observations (Marquess of Clanricarde), 1529 ; Notice (Earl of Malmesbury), 1689 ; Statement (Earl of Malmesbury), 1830
c. Observations (Visct. Palmerston,) [152] 869 ; Notice (Visct. Palmerston), [153] 1508 ; Observations (Chancellor of the Exchequer), 1546, 1765 ; Statement (Chancellor of the Exchequer), 1863 ;—see *Austria*

Foreign Office Messengers,
c. Question (Mr. Wise), [153] 347

Foreign Office, The New
c. Question (Mr. Tite), [152] 260; (Sir B. Hall), 515; (Mr. Coningham), 1174

FORESTER, Rt. Hon. Col. G. C. W. (Comptroller of the Household), *Wenlock*
Address in Answer to the Speech; Her Majesty's Reply, [152] 140
Jersey, Laws of, Answer to Address, [153] 527

Forgery Bill,
c. 1R.* [153] 1727

FORSTER, Mr. C., *Walsall,*
Representation of the People, 2R. [153] 566, 619

FORTESCUE, Mr. C. S., *Louth Co.*
Hudson's Bay Company, Papers moved for, [152] 1676
"Phœnix Society" Trials, [153] 1552
Representation, The Irish, [152] 1285
Right of Visit, [152] 1057
Roman Catholic Oath, Com. moved for, [152] 802
West Indies, Com. moved for, [152] 1237

FOX, Mr. W. J., *Oldham*
Church Rates Abolition, 2R. [152] 1684
Municipal Elections, 2R. [152] 736; Com. *add. cl.* 1679
Representation of the People, Leave [152] 1015; 2R. [153] 729

Fox, Torture of a
c. Question (Mr. C. C. Clifford), [152] 1055

FRASER, Sir W. A., *Barnstaple*
Conveyance of Voters, Leave, [152] 721
Postage Stamps—India, [152] 1278

FREESTUN, Colonel W. L., *Weymouth*
Army Estimates, [152] 1401
Indian Navy, Masters of the, [153] 914
Seaton, Sir Henry, [153] 1729

FRENCH, Colonel F., *Roscommon Co.*
Army Estimates, [153] 1522
County Prisons (Ireland), Leave, [152] 224
Incumbered Estates Court (Ireland) [153] 25
Lunatic Poor (Ireland), Com. [153] 216
Mail Service (Galway and America) Papers moved for, [153] 1401
Manor Courts, &c. (Ireland), Leave, [152] 157
Ministerial Explanation, [153] 1332
Parliament, Dissolution of, [153] 1420, 1586
Railway Tickets Transfer, Com. *cl.* 3, [153] 1613, 1615
Representation of the People, 2R. [153] 1158
Superannuation, Com. *cl.* 13, [153] 1391, 1392
Tramways (Ireland), 2R. [152] 433
Yacht Club, Royal Western, Papers moved for, [153] 1528

French Vessels on the British Coast,
c. Question (Sir C. Napier), [152] 771

Galway Port and Harbour,
l. Question (Lord Stanley of Alderley), [152] 679
c. Question (Viscount Dunkellin), [152] 108

"Garden of the Soul,"
c. Question (Mr. Spooner), [152] 220

GARNETT, Mr. W. J., *Lancaster*
Agricultural Statistics, Res. [152] 783

GASKELL, Mr. J. M., *Wenlock*
Representation of the People, 2R. [153] 1181

"General Simpson," The Troop Ship
c. Question (Colonel Smyth), [152] 220

GIBSON, Rt. Hon. T. M., *Ashton-under-Lyne*
Dockyard Expenditure, [153] 68
Education, Reports of Inspectors of, Address moved, [152] 702
Newfoundland Fisheries, Papers moved for, [152] 1673
Newspapers, Com. [153] 1525
Postage Stamps—India, [152] 1279
Representation of the People, 2R. [153] 692, 707, 1262

GILPIN, Mr. C., *Northampton*
China, Opium Trade in, [152] 340
Jamaica Immigration, [153] 1825
Japan, Importation of Opium into, [153] 1041
Municipal Elections, Leave, [152] 225; Com. *cl.* 11, 1677
Native Infantry, Destruction of the 26th, [153] 146
Navy Estimates, [153] 83
Oaths Act Amendment, Com. *cl.* 1, [153] 220, 221
Representation of the People, 2R. [153] 1209

GLADSTONE, Rt. Hon. W. E., *Oxford University*
British Museum, Com. moved for, Amend. [153] 385
Europe, State of, Statement, [153] 1881
Exchequer Bills, Res. [152] 1636
Mail Service (Galway and America) [153] 1570
Parliament, Dissolution of, [153] 1585
Representation of the People, 2R. [153] 1045, 1054
Superannuation, Com. [153] 364; *cl.* 13, 1392

Glebe Houses, Dilapidations in
l. Question (Viscount Dungannon), [152] 168

GORE, Mr. W. R. O., *Leitrim, Co.*
Postal Communication (Ireland), [152] 332

GOUGH, Viscount
India—Vote of Thanks to the Governor General, &c., [153] 1725

Government Offices, The New
c. Question (Mr. Tite), [152] 260; (Sir B. Hall), 515; (Mr. Coningham), 1174

Government Property, Rating of
c. Question (Mr. Wilson), [152] 403

GRAHAM, Lord M. W., *Herefordshire*
Newbury and Hereford Magistracy, [153] 1798
Real Estate Intestacy, 2R. Amend. [152] 1118

GRAHAM, Rt. Hon. Sir J. R. G., *Carlisle*
Galway Mail Contract, [153] 1574
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1052
Representation of the People, 2R. [153] 970, 1102
Yacht Club, Royal Western, Papers moved for, [153] 1527

Grain, Sale of, Bill,
c. 1R.* [152] 507; 2R.* [153] 1686

GRANVILLE, Earl
Address in Answer to the Speech, [152] 24
"Charles et Georges," Papers moved for, [152] 1440
India—The Queen's Proclamation, Papers moved for, [153] 324, 325, 327—Vote of Thanks to the Governor General, &c. 1713
Ionian Islands, The, [152] 599
Juries in Civil Cases, 2R. [153] 1026
Lawrence, Sir J., Explanation, [152] 104
Letters, Compulsory Prepayment of, [152] 678
Militia Commission, [152] 246
Ministerial Statement, [153] 1291, 1294
Municipal Franchise, Com. moved for, [152] 845
Red Sea and India Telegraph Company, (No. 2), 3R. [153] 1777
Vaccination, [152] 1341, 1345
Water-Colour Society, [153] 311

GREENWOOD, Mr. J., *Ripon*
Church Rates Abolition, 2R. [153] 192

GREER, Mr. S. M., *Londonderry Co.*
Bann, The River, [153] 1300
County Prisons (Ireland), Return moved for, [152] 837
Landlord and Tenant (Ireland), Return moved for, [152] 229, 231, 232
Markets (Ireland) Com. *cl.* 19, Amend. [153] 1148
Real Estate Intestacy, 2R. [152] 1151
Savings' Banks, [152] 220
Superannuation, Com. *cl.* 2, Amend. [153] 378
Tenant Right, [153] 1509
Tramways (Ireland), 2R. [152] 434

GREGORY, Mr. W. H., *Galway Co.*
British Museum, Com. moved for, [153] 250, 270, 271, 384, 385
Lunatic Poor (Ireland), 2R. [152] 668; Com. [153] 217
Poor Relief (Ireland) Act Amendment, Leave, [152] 1566; 2R. [153] 672

GREGSON, Mr. S., *Lancaster*
China—Tariff and Trade Regulations, [152] 472
Occasional Forms of Prayer, 2R. [152] 150

GREVILLE, Col. F. S., *Longford Co.*
Lunatic Poor (Ireland), Com. Amend. [153] 209, 215

GREY, Earl
Address in Answer to the Speech, [152] 40, 41, 50
"Charles et Georges," Papers moved for, [152] 1452
Companies Act (1859), Re-com. [153] 678, 687
Debtor and Creditor, 3R. [153] 233
East India Loan, 1R. [153] 1382
Hong Kong—Case of William Tarrant, [152] 1167, 1168
Immigration Act (Jamaica), [152] 173
Indictable Offences (Metropolitan Districts), 3R. [153] 1543
Ionian Islands, The, [152] 463, 465; Postponement of Motion, 597, 757; [153] 1
Militia Commission, [152] 237, 239, 247
Municipal Franchise, Com. moved for, [152] 838, 843, 850
Shipping, British, [153] 903
Singapore, [152] 1608
Telegraph from Naples to Malta, [152] 1261
Thames Watermen and Lightermen, Re-com. [153] 1623

GREY, Rt. Hon. Sir G., *Morpeth*
Admiralty, Lords of the, [153] 1646
Church Rates, Leave, [152] 619, 633; 2R. 1577, 1587
Convict Prisons Abroad, Com. [153] 1687
Education, Reports of Inspectors of, Address moved, [152] 710
Excisable Liquors (Scotland), Com. moved for, [152] 1209
Highways, [152] 1351
Jews, Leave, [152] 1185
Lunatics, Com. moved for, [152] 412
Parliament, Dissolution of, [153] 1419, 1577, 1610
Representation of the People, 2R. [153] 1158
Rothschild, Baron Mayer de, Admission of, Res. [152] 461
Rules of Debate—Resolution by way of Amendment, [153] 1004

GRIFFITH, Mr. C. D., *Devizes*
Church Rates, Leave, [152] 653
Church Rates Abolition, Leave, [152] 199; 2R. Amend. [153] 170, 175
Church Rates Commutation, 2R. [152] 740
High Sheriffs' Expenses, 2R. [153] 623
"Host," Salutation of the, [152] 330
Land Courts (Ireland), Fees in the Transfer of, [153] 813
Municipal Elections, Leave, [152] 226
Representation of the People, [153] 913
Titles to Landed Estates, Leave, [152] 309

GROGAN, Sir E., *Dublin City*
Manor Courts (Ireland), Com. *cl.* 4, Amend. [152] 752; Re-com. *add. cl.* 1241
Medical Officers in the Navy, [153] 1863

[*cont.*

Grogan, Sir E.—*cont.*
Poor Relief (Ireland) Act Amendment, 2R. Amend. [153] 674
Superannuation, 2R. [152] 596; Com. *cl.* 1, Amend. [153] 375, 378; *add. cl.* 1396, 1397

Guano, Supply of,
c. Question (Mr. Caird), [152] 511; Reply (Mr. S. FitzGerald), 530; Question (Major Edwards), [153] 388

Hadfield, Mr. G., *Sheffield*
Address in Answer to the Speech, Report, [152] 109
Admiralty Court, Leave, [153] 293, 294; 2R. 1144
Bonding Warehouses, Inland, [153] 94, 912
Charitable Uses, Leave, [153] 294; 2R. 1147
Church Rates, Leave, [152] 655
Fire Insurance Duty, [152] 332
Fire Insurances, Leave, [153] 297
India—The New Tariff, [153] 1802
Jersey, Laws of, Address moved, [153] 298
Jews, Report, [153] 1770
Land Titles and Registration Bills, [152] 858
Landed Estates, Titles to, Leave, [152] 313; Com. [153] 107
Municipal Elections, Com. *add. cl.* [152] 1679, 1680
Navy Estimates, [152] 773
Occasional Forms of Prayer, 2R. Amend. [152] 149
Proctors, Compensation to, [153] 29
Real Estate Intestacy, Leave, [152] 484
Statute Law Commission, Returns moved for, [152] 227

Hall, Rt. Hon. Sir B., *Marylebone*
Admiralty, Lords of the, [153] 1626
Carnegie, Capt., Case of, [153] 1625
Government Offices, The New, [152] 266, 515, 520
Mersey Docks and Harbour, 2R. [152] 398
Representation of the People, 2R. [153] 615
Woolwich Exemption, 2R. [152] 601

Hamilton, Rt. Hon. Lord C., (Treasurer of the Household), *Tyrone*
Admiralty, Lords of the, [153] 1647
Excisable Liquors (Scotland), Her Majesty's Answer to Address, [152] 1348
Roman Catholic Oath, Com. moved for, [152] 824

Hankey, Mr. T., *Peterborough*
City of London Union, 2R. [152] 395
Clock, The, at Westminster, [152] 1173
Exchequer Bills, Res. [152] 1621, 1626, 1644
London Corporation, Reform of the, [152] 144
Savings' Banks Account, [152] 335
Sugar Duties, [152] 222

Harbours of Refuge,
c. Question (Mr. Wilson), [152] 143; (Mr. Baxter), [153] 248

Hardcastle, Mr. J. A., *Bury St. Edmunds*
Church Rates, 2R. [152] 1572

Hardinge, Viscount, (Under Secretary for War)
Militia Commission, [152] 238

Hardwicke, Earl of, (Lord Privy Seal)
Address in Answer to the Speech, [152] 51
India — The Queen's Proclamation, Papers moved for, [153] 329
Mails, The Irish, [153] 1605
Navy, Manning the, [152] 756

Hardy, Mr. G., (Under Secretary for the Home Department), *Leominster*
Beer Houses, &c., [152] 1349
Excisable Liquors (Scotland), Com. moved for, [152] 1215
Fox, Torture of a, [152] 1055
Highways, 2R. [152] 342, 1171, 1351
Representation of the People, 2R. [153] 1099
Summary Commitments, [153] 339

Hassard, Mr. M. D., *Waterford City*
County Prisons (Ireland), Return moved for, [152] 837
Lunatic Poor (Ireland), 2R. [152] 667
Manor Courts (Ireland), Com. Res. [152] 748
Spirits, Duty on, (Ireland), [152] 249
Tramways (Ireland), 2R. [152] 433

Hatchell, Mr. J., *Wexford Co.*
County Prisons (Ireland), Return moved for, [152] 837
Manor Courts (Ireland), Com. Res. [152] 748; *cl.* 4, 753

Hay, Lord J., *Kirkwall, &c.*
Dockyard Expenditure, [153] 70

Headlam, Mr. T. E., *Newcastle-upon-Tyne*
Bankruptcy and Insolvency, Leave, [152] 428; 2R. [153] 207; Com. 1142
Conveyance of Voters, 2R. [152] 1157, 1158
Ionian Islands, The, [152] 605
Landed Estates, Titles to, Com. [153] 101
Mersey Docks and Liverpool Corporation Rating, 2R. Amend. [152] 1051
Representation of the People, Leave, [152] 1007; 2R. [153] 711

Henley, Rt. Hon. J. W. (†President of the Board of Trade), *Oxfordshire*
†Agricultural Statistics, Res. [152] 786
†Bleaching and Dyeing Works, Leave, [152] 836
Exchequer Bills, Res. [152] 1639
Merchant Shipping, Com. moved for, [152] 1108
†Mersey Docks and Harbour, 2R. [152] 397
Ministerial Resignations, Explanation, [152] 1064
Oaths Act Amendment, Com. *cl.* 1, [153] 221
†Railway Accidents, [152] 250
Railway Tickets Transfer, Com. *cl.* 3, [153] 1613
Real Estates Intestacy, 2R. [152] 1123, 1128
Representation of the People, 2R. [153] 1211
Superannuation, Com. *cl.* 1, [153] 377

"Herald," Seizure of the, by the Portuguese,
c. Question (Mr. Ayrton), [152] 768

HERBERT, Rt. Hon. H. A., *Kerry Co.*
Belfast, The late Trials at, [153] 1817, 1819
County Prisons (Ireland), Returns moved for, [152] 837
Galway Port and Harbour, [152] 109
Lunatic Poor (Ireland), Leave, [152] 167; 2R. 668
Markets (Ireland), Leave, [152] 163; 2R. 665; Com. *cl.* 29, [153] 1149
"Phœnix Society" Trials, [153] 1551
Poor, Irremovable, Com. moved for, [152] 203

HERBERT, Rt. Hon. S., *Wiltshire, S.*
Army Estimates, [152] 1325, 1413
Church Rates Abolition, 2R. [153] 189
Navy Estimates, [152] 930
Representation of the People, 2R. [153] 581, 611

Hereford, New Magistrates for,
c. Question (Mr. G. Clive), [153] 1564; Reply (Mr. S. Estcourt), 1588; Question (Mr. T. Duncombe), 1794

Higgins, Mr., Appointment of,
c. Question (Mr. G. Clive), [152] 335, 402

High Sheriffs' Expenses Bill,
c. 1R.* [152] 766;
2R. [153] 623

Highways Bill,
c. 1R.* [152] 140;
2R. 342;
Question (Mr. H. A. Bruce), 1171; (Mr. T. Duncombe), 1350

HODGSON, Mr. W. N., *Carlisle*
Representation of the People, 2R. [153] 1196

HOLLAND, Mr. E., *Evesham*
Agricultural Statistics, Res. [152] 784

HOPE, Mr. A. J. BERESFORD, *Maidstone*
Church Rates, Leave, [152] 644
Church Rates Abolition, 2R. Adj. moved, [152] 1682; Amend. [153] 175
Government Offices, The New, [152] 267
Law Courts, Concentration of the, [153] 340
Marriage Law Amendment, Leave, [152] 158; 2R. Amend. 435; 3R. Amend. 1238
Real Estate Intestacy, 2R. [152] 1145
Representation of the People, 2R. [153] 734

HOPWOOD, Mr. J. T., *Clitheroe*
Civil Service, [153] 1559

HORSFALL, Mr. T. B., *Liverpool*
Mail Service (Galway and America), Papers moved for, [153] 1399
Merchant Shipping, Com. moved for. [152] 1086

[*cont.*

HORSFALL, Mr. T. B.—*cont.*
Mersey Docks and Harbour, 2R. [152] 395, 396
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1051, 1053

HORSMAN, Rt. Hon. E., *Stroud*
Austria and the Italian States, [152] 1274, 1275
Edinburgh, &c. Annuity Tax, 2R. [153] 639
*Ministerial Statement, [153] 1323
Navy and Coast Guard, Res. [152] 1306
*Representation of the People, 2R. [153] 456; Explanation, 825

"Host," Salutation of the,
c. Question (Sir A. Agnew), [152] 107; [153] 1429; (Mr. D. Griffith), [152] 330; (Major Stuart Knox), [153] 811

HOTHAM, Lord, *Yorkshire, E. Riding*
Bath, Order of the, [152] 401
Conveyance of Voters, Leave, [152] 728
Military Organization, Com. moved for, [153] 1649

HUDSON, Mr. G., *Sunderland*
Church Rates Abolition, 2R. [153] 173
Navy, State of the, Papers moved for, [153] 303
Representation of the People, 2R. [153] 1009, 1199
Wood, Colonial and Foreign, Res. [152] 1198

Hudson's Bay Company,
c. Papers moved for (Mr. C. Fortescue), [152] 1676; Motion withdrawn, 1677

HUGHES, Mr. W. B., *Carnarvon*
County Court Prisoners, [153] 1299, 1508

HUNT, Mr. G. W., *Northamptonshire, N.*
Conveyance of Voters, 2R. Adj. moved, [152] 1157, 1160; Amend. 1164
Huntingdon Magistracy, [153] 339
Municipal Elections, Com. *cl.* 11, [152] 1677; *cl.* 13, 1678

Huntingdon Magistracy,
c. Observations (Mr. T. Duncombe), [153] 14; Explanation (Mr. T. Duncombe), 334

HUTT, Mr. W., *Gateshead*
Church Rates, [152] 1351
Navigation Laws, [152] 512
Representation of the People, [153] 249

Immigration,
c. Explanation (Mr. Buxton), [153] 29

Immigration Act (Jamaica),
l. Petition (Lord Brougham), [152] 106; Question (Lord Brougham), 169

Inclosure of Lands Bill,
c. 1R.* [152] 600; 2R.* 766; 3R.* 1050
l. 1R.* [152] 1166; 2R.* [153] 167; 3R.* 304
Royal Assent, 792

Indemnity Bill,
c. 1R.* [153] 1120; 2R.* 1151; 3R.* 1383
l. 1R.* [153] 1474; 2R.* 1528; 3R.* 1617
Royal Assent, 1897

India,
Affairs of, c. Question (Sir E. Perry), [152] 187
✓ *Army, Reorganization of the, c.* Question (Col. Sykes), [152] 471; (Sir E. Perry) [153] 248
Artillery, The, c. Question (Sir De L. Evans), [153] 342
Assistant Surgeons, c. Question (Mr. Ridley), [152] 1279
Calpee, Battle of, c. Question (General Buckley), [152] 1350
Cashmere Gate, Blowing in of the, c. Observations (Mr. Cowan), [153] 1591
Cawnpore, Action at, c. Question (General Codrington) [153] 1727
Chaplains for the Army, c. Question (Mr. Kinnaird), [152] 142
Colonization and Settlement, c. Com. moved, for (Mr. W. Ewart), [152] 210
Delhi and Lucknow, c. Question (Viscount Bury), [153] 387
Despatches, Secret, c. Res. (Sir G. Lewis [153] 1897; House counted out, *ib.*
Despatches to Lord Canning, c. Question (Mr. Salisbury), [153] 388, 528
Dhar, Principality of, c. Question (Mr. J. B. Smith), [152] 693
✓ *Education, l.* Postponement of Motion (Duke of Argyll), [152] 1168; Returns moved for (Duke of Argyll), [153] 1778
c. Observations (Mr. Warren), [152] 773
✓ *Finance, l.* Address moved (Earl of Ellenborough), [153] 796
✓ *Financial Despatches, c.* Address moved (Sir E. Perry), [153] 1044
Gold in, c. Question (Mr. C. P. Villiers), [153] 1609
Lawrence, Sir John, l. Explanation (Earl Granville), [152] 104
Legislative Council, c. Question (Mr. V. Smith), [153] 821, 1547
Loans, c. Question (Mr. Robertson), [152] 507
Medals for the Troops, c. Question (Mr. Bland), [152] 331; (Col. Sykes), 471
Meerut, Court Martial at, c. Papers moved for (Col. Sykes), [152] 195; Motion withdrawn, 199
Military Executions, c. Question (Mr. Richardson), [152] 400
Native Infantry, Destruction of the 26th, c. Observations (Mr. Gilpin), [153] 146
Native Princes of, c. Question (Mr. V. Smith), [152] 273
New Territories, c. Question (Mr. Kinnaird), [152] 692
Office, The, c. Question (Sir E. Perry), [153] 1559
Oude, Pacification of, c. Observations (Lord J. Russell), [153] 342
Postage Stamps, c. Question (Sir W. Fraser), [152] 1278
Prize Property for the Army, l. Question (Earl of Ellenborough), [153] 1858
Queen's Proclamation, The, l. Papers moved for (Marquess of Clanricardo), [153] 312; Motion withdrawn, 330

[*cont.*

India—cont.
Tariff, The New, c. Question (Visct. Duncan), [153] 1728, 1801
Thanksgiving, General, c. Question (Mr. Richardson), [152] 602; (Sir H. Verney) [153] 813
Travancore Disturbances in, l. Motion postponed (Earl of Shaftesbury), [153] 1829
c. Observations (Sir A. Agnew), [153] 22; Question (Mr. Kinnaird), 1803
Troops for, Transit of, c. Question (Sir De Lacy Evans), [152] 964
Troops in, c. Question (Sir G. Lewis), [153] 1821
Vote of Thanks to the Civil Service, &c., l. Acknowledgment of, [152] 211; *Vote of Thanks to the Governor General,* &c. (Earl of Derby), [153] 1690
c. Acknowledgment of, [152] 57; *Vote of Thanks to the Governor General, &c.* [153] 1729;—see *East India Loan Bill—Singapore*

Indian Coolies, Immigration of, into French Colonies,
c. Question (Mr. Kinglake), [152] 1057

Indian Finance,
c. Question (Mr. Liddell), [153] 1565

Indian Navy, Masters of the,
c. Question (Col. Freestun), [153] 914

Indictable Offences (Metropolitan Districts) Bill,
l. 1R. [152] 1610; 2R.* [153] 167;
3R. [153] 1149, 1530: Bill withdrawn, 1544

INGHAM, Mr. R., *South Shields*
Merchant Shipping, Com. moved for, [152] 1101

INGRAM, Mr. H., *Boston*
Tolls on Bridges (Metropolis), Address moved, [152] 734

Ionian Islands, The,
l. Question (Earl Grey), [152] 463, 757; Postponement of Motion, 596; Motion withdrawn, [153] 1; Explanation (Earl of Derby), 793
c. Question (Mr. Headlam), [152] 605; (Mr. Labouchere), [153] 245

Ireland,
Assassinations in, l. Returns moved for (Earl of Leitrim), [152] 232; Motion withdrawn, 237
Bankruptcy, Court of—Mr. C. H. James, c. Question (Mr. Beamish), [152] 1281
Bann, The River, c. Question (Mr. Greer), [153] 1300
Belfast, The late Trials at, c. Question (Mr. M'Mahon), [153] 1811
Bequests Act, c. Question (Mr. Ennis), [153] 388
Constabulary, The, c. Question (Mr. Maguire), [152] 602
County Prisons, c. Returns moved for (Mr. Cogan), [152] 836, [A. 31, N. 84, M. 53] 838

[*cont.*

Ireland—cont.

Criminal Law, c. Question (Mr. Dobbs), [152] 856

Deserted Children, l. Petition (Marquess of Clanricarde), [153] 794

Endowed Schools, c. Question (Mr. Serj. Deasy), [152] 508

Education, Question (Bishop of Down and Connor), [153] 308

c. Question (Mr. Lefroy), [153] 93; Order discharged (Mr. Sullivan) 1412

Fiscal Affairs, c. Observations (Sir D. Norreys), [153] 1528

Fishery Laws, c. Question (Mr. J. D. FitzGerald), [152] 1054

Galway Mail Service, c. Papers moved for (Mr. Horsfall), [153] 1399; Question (Mr. Beamish), 1568

Galway Port and Harbour, l. Question (Lord Stanley of Alderley), [152] 679

c. (Viscount Dunkellin), [152] 108

Incumbered Estates Court, c. Question (Mr. J. D. FitzGerald), [152] 1474; [153] 24; Explanation (Lord Naas), 1431

Kingstown Harbour, c. Question (Mr. Vance), [152] 1349

Land Courts, Fees in the Transfer of, c. Question (Mr. D. Griffith), [153] 813

Landlord and Tenant, c. Returns moved for (Mr. Greer), [152] 229; Motion withdrawn 232; Question (Mr. Kirk), 856; (Mr. Bowyer), 1620

Leasing Powers (Ireland), l. Question (Earl of Bandon), [153] 386

Limerick, Constabulary of the County of, c. Question (Mr. Monsell), [153] 1626

Magistracy, The, l. Question (Marquess of Londonderry), [153] 305

Mails, The Irish, l. Question (Lord Monteagle), [153] 1600

Maynooth, c. Observations (Mr. Spooner), [153] 1346

National Schoolmasters, c. Question (Mr. Lefroy), [153] 1509

Nixon, Rev. Mr., Attempted Murder of, c. Question (Sir H. Keating), [152] 603; (Mr. M'Mahon), 766

Parliamentary Reform, c. Question (Mr. Bland), [152] 472; (Mr. Baxter), 858; (Mr. C. Fortescue), 1285

Pennefather, Mr. Ex-Baron, l. Question (Earl of Leitrim), [153] 810

"*Phœnix Society, Trials, c.* Question (Captain D. O'Connell), [153] 1384; (Viscount Castlerosse) 1549

Political Prisoners in, c. Question (Mr. Serj. Deasy), [153] 25

Postal Communication, l. Question (Marquess of Clanricarde), [152] 1347; (Lord Monteagle), [153] 1600

c. Question (Mr. O. Gore), [152] 332

Prisons and Workhouses, c. Question (Mr. Macartney), [152] 1174

Queen's Colleges, c. Question (Lord Dunkellin), [152] 694

Savings Banks, c. Question (Visct. Castlerosse), [153] 14

Spirits, Duty on, c. Question (Mr. Hassard), [152] 249

Tenant Right, c. Question (The O'Donoghue), [152] 1272; (Mr. Greer), [153] 1509

Yacht Club, Royal Western, c. Papers moved for (Mr. Cogan), [153] 1526

[*cont.*

Ireland—cont.

See
- *Chancery, Receivers in, (Ireland) Abolition Bill*
- *County Prisons (Ireland) Bill*
- *Ecclesiastical Courts and Registries (Ireland) Bill*
- *Ecclesiastical Residences (Ireland) Bill*
- *Juries (Ireland) Bill*
- *Land, Sale and Transfer of (Ireland) Bill*
- *Lunatic Poor (Ireland) Bill*
- *Manor Courts, &c. (Ireland) Bill*
- *Markets (Ireland) Bill*
- *Parliamentary Voters (Ireland) Bill*
- *Poor Law and Medical Charities (Ireland) Act Amendment Bill*
- *Poor Relief (Ireland) Act Amendment Bill*
- *Registration of Births, &c. (Ireland) Bill*
- *Savings Banks (Ireland) Act Continuance Bill*
- *Tramways (Ireland) Bill*

JACKSON, Mr. W., *Newcastle-under-Lyme,*
Mail Service (Galway and America), Papers moved for, [153] 1412
Navy Estimates, [153] 145

Jamaica Immigration,
c. Question (Mr. Gilpin), [153] 1825

JAMES, Mr. E. J., *Marylebone*
Conveyance of Voters, 2R. [152] 1160
Divorce Court, The, [153] 688
Hereford Magistrates, [153] 1590
Jews, Report, [153] 1770
Mutiny, Com. [153] 165
Newspapers, Com. [153] 1525
Railway Tickets Transfer, Com. *cl.*3, [153] 1613
Representation of the People, Leave, [152] 1033; 2R. [153] 916, 989
Supply—Civil Services, [153] 1443
Trial by Jury (Scotland), 2R. [153] 1128

Japan,
Consular Appointments in, c. Question (Mr. Wise), [152] 508, 694; Reply (Mr. S. FitzGerald), 530; Observations (Mr. M. Milnes), 859, 1056
Opium, Importation of, c. Question (Mr. Gilpin), [153] 1041

Jersey, Laws of,
c. Address moved (Mr. Hadfield), [153] 298; Her Majesty's Answer, 527

Jews,
c. Leave, [152] 1175; Amend. (Mr. Newdegate), 1181; Amend. withdrawn, 1188; Com. moved for (Mr. Walpole), *ib.*; Report, [153] 1766

Joint-Stock Companies,
c. Leave, [152] 1477; Motion withdrawn, 1478

JOLLIFFE, Sir W. G. H., (Secretary to the Treasury), *Petersfield*
Advertisements, Government, [152] 340

Juries in Civil Causes Bill,
l. 1R.* [152] 104;
2 R. [153] 1010; Amend. (Lord Wensleydale), 1038, [*o. q.* Contents 7, Not-Contents 23, M. 16] 1040

Juries (Ireland) Bill,
1R.* [152] 471 ;
2R. deferred, 741 ; 2R. 1567

KEATING, Sir H. S., *Reading*
Nixon, Rev. Mr., Attempted Murder of, [152] 603

KELLY, Sir F., *see* ATTORNEY GENERAL, The

Kew, Conservatory at,
c. Question (Mr. Dillwyn), [152] 1349

KING, Hon. P. J. L., *Surrey, E.*
*Real Estate Intestacy, Leave, [152] 474, 482 ; 2R. 1117, 1133, 1155
Representation of the People, 2R. [153] 724
Sittings of the House, Res. [152] 193
Statute Law Commission, Returns moved for, [152] 226, 228

KINGLAKE, Mr. A. W., *Bridgewater*
"Charles et Georges," [152] 332, 527; Address moved for, 1478, 1513, 1514, 1516, 1518, 1566
Indian Coolies, Immigration of, into French Colonies, [152] 1057
Slave Trade—The "Phœnix" [153] 689
Superannuation, Leave [152] 154

KINGSCOTE, Lieut.-Col. R.N.S., *Gloucestershire, W.*
Retired Field Officers, [153] 1802

KINGSDOWN, Lord
Affidavits by Commission, 2R. [153] 1544
"Charles et Georges," Papers moved for, [152] 1446
Juries in Civil Causes, 2R. [153] 1038
Petitions of Right, 2R. [153] 1544

KINNAIRD, Lord
Thames Watermen and Lightermen, Re-com. [153] 1620

KINNAIRD, Hon. A. F., *Perth*
Army Estimates, [153] 1522
East India Loan, [152] 382 ; Res. 590
Excisable Liquors (Scotland), Com. moved for, [152] 1218
Female Emigration, [153] 35
India — Army Chaplains, [152] 142 ; — New Territories, 692 ;—Pacification of Oude, [153] 345 ;—Vote of Thanks to the Governor General, &c. 1759
National Gallery, The, [152] 182
Postal Regulations, [153] 529
Representation of the People, Leave, [152] 1011
St. James's Park, [152] 1276; [153] 1560
Travancore, Disturbances in, [153] 1803, 1807

KIRK, Mr. W., *Newry*
Bleaching and Dyeing Works, Leave, [152] 834
Landlord and Tenant (Ireland), [152] 856
Lunatic Poor (Ireland), 2R. [152] 668
Manor Courts (Ireland), Com. [152] 742 ; *cl.* 4, 753 ; Amend. 754
Markets (Ireland), 2R. [152] 662

KNATCHBULL-HUGESSEN, Mr. E. H., *Sandwich*
Business of the House, [152] 609
Ecclesiastical Commission, [152] 1475
Municipal Elections, Consid. [153] 223
Representation of the People, [153] 470 ; 2R. 1054

KNIGHTLEY, Mr. R., *Northamptonshire, S.*
Conveyance of Voters, 2R. [152] 1165
Representation of the People, 2R. [153] 577

KNOX, Hon. Major W. S., *Dungannon*
"Host," Saluting the, [153] 811
Officers in the Mediterranean, [152] 1350

KNOX, Lt.-Col. B. W., *Marlow*
Admiralty, Lords of the, [153] 1649
Army Estimates, [152] 1330, 1337, 1412

LABOUCHERE, Rt. Hon. H., *Taunton*
Bleaching and Dyeing Works, Leave, [152] 836
Edinburgh, &c. Annuity Tax, 2R. [153] 665
Galway Mail Contract, [153] 1573
Hudson's Bay Company, Papers moved for, [152] 1677
Ionian Islands, [153] 245
Merchant Shipping, Com. moved for, [152] 1090
Newfoundland Fisheries, Papers moved for, [152] 1670
Parliament, Dissolution of, [153] 1581
Superannuation, Com. *cl.* 13, [153] 1392
West Indies, Com. moved for, [152] 1233
Wood, Colonial and Foreign, Res. [152] 1199

Land, Inclosure of, Bill,
c. 1R.* [152] 600 ; 2R.* 766 ; 3R.* 1050

Land, Sale and Purchase of,
l. Observations (Lord St. Leonards) [152] 679

Land, Sale and Transfer of (Ireland) Bill,
c. Leave, [152] 157; 1R.* 161

Land, Titles to (Scotland) Bill,
c. 1R.* [153] 527

Land Transport Corps,
c. Question (Lord A. Vane-Tempest), [152] 334 ; (Gen. Codrington), 473 ; [153] 1041

Landed Estates, Registry of, Bill,
c. 1R.* [152] 313 ;
Question (Mr. Hadfield), 858;
2R. 1044

Landed Estates, Titles to, Bill,
c. Leave, [152] 277 ; 1R.* 313 ;
Question (Mr. Hadfield), 858 ;
2R. 1044
Com., [153] 95

Landlord and Tenant (Ireland),
c. Returns moved for (Mr. Greer), [152] 229
Motion withdrawn, 232 ;
Question (Mr. Kirk), 856

LANGTON, Mr. H. G., *Bristol*
- Marine Engines, Supply of, [152] 1273

Larceny Bill,
- *c.* 1R.* [153] 1727

LAURIE, MR. J., *Barnstaple*
- Army, The—Band Charges, [152] 770
- Medjidie, Order of the, [153] 529
- Military Honours, [152] 184
- Nelson Column, The, [152] 602
- Sittings of the House, Res. [152] 191

Law Ascertainment Bill,
- *c.* 1R.* [152] 1472 ; 2R. [153] 1135

Law Courts, Concentration of the
- *c.* Question (Mr. B. Hope), [153] 340

LEFROY, Mr. A., *Dublin University*
- Education, National (Ireland), [153] 93
- Lunatic Poor (Ireland), Com. [153] 218
- National Schoolmasters (Ireland), [153] 1509

LEITRIM, Earl of
- Assassinations in Ireland, Returns moved for, [152] 232, 233, 237
- Deserted Children (Ireland), [153] 795
- Manor Courts (Ireland), 3R. Amend. [153] 909, 911
- Pennefather, Mr. Ex-Baron, [153] 810

Letters not Prepaid,
- *l.* Observations (Duke of Argyll), [152] 675 ; Papers moved for (Lord Monteagle), 757
- *c.* Observations (Mr. Rich), [152] 250, 1476

LEWIS, Rt. Hon. Sir G. C., *Radnor*
- Army Estimates, [152] 1336, 1406
- Audit of Accounts, [152] 259
- British Museum, Com. moved for, [153] 268, 385
- East India Loan, Report, [152] 660 ; 2R. 1352, 1355 ; 3R. [153] 1373
- Exchequer Bills, Funding of, [152] 186 ; Res. 1629, 1634
- Foreign Office, The New, [152] 520
- Highways, 2R. [152] 345
- India—Despatch to Lord Canning, [153] 528 ; —Troops in, 1821 ;—Secret Despatches, 1897
- Marriage Law Amendment, 2R. [152] 446
- Parliament, Dissolution of, [153] 1424, 1426
- Real Estate Intestacy, 2R. [152] 1125
- Representation of the People, Leave, [152] 1007 ; 2R. [153] 1009
- Superannuation, Com. [153] 371 ; *cl.* 4, 372 ; *cl.* 8, 380 ; *cl.* 11, Amend. 381 ; *cl.* 13, 1390, 1391, 1392, 1395
- Supply—Exchequer Bonds, [153] 1436, 1437, 1438, 1510 ;—Civil Services, 1441

LIDDELL, Hon. H. G., *Northumberland, S.*
- East India Loan, Res. [152] 561
- Indian Finance, [153] 1565
- Merchant Shipping, Com. moved for, [152] 1077
- Representation of the People, 2R. [153] 444
- Travancore, Disturbances in, [153] 1807

LIFFORD, Viscount
- Marriage Law Amendment, 2R. [153] 503

LINDSAY, Mr. W. S., *Tynemouth*
- Dockyard Expenditure, [153] 48, 71
- Galway Mail Contract, [153] 1575
- Merchant Shipping, Com. moved for, [152] 1068, 1112
- Ministerial Statement, [153] 1341
- Navy Estimates, [152] 939 ; [153] 84, 133, 162, 163, 1451, 1454, 1511 ;—State of the, Papers moved for, 302
- Parliament, Dissolution of, [153] 1429
- Representation of the People, 2R. [153] 1119
- Supply—Civil Services, [153] 1441 ; Amend. 1442, 1443

Local Assessment Exemption Abolition Bill,
- *c.* Leave, [152] 672 ; 1R.* 674 ; 2R.* 855 ; Question (Gen. Buckley) [153] 1152

Local Government Supplemental Bill,
- *c.* 1R.* [153] 1415 ; 2R.* 1545 ; 3R.* 1625
- *l.* 1R.* [153] 1617 ; 2R. 1773 ; 3R.* 1828
- Royal Assent, 1897

LOCKE, Mr. John, *Southwark*
- Local Assessment Exemption Abolition, Leave, [152] 674
- Manor Courts (Ireland), Re-com. *cl.* 1, [152] 1240
- Representation of the People, Leave, [152] 1014 ; 2R. [153] 957, 1119

LOCKE, Mr. Joseph, *Honiton*
- Army Estimates, [152] 1414
- Dockyard Expenditure, [153] 82

Lombardo-Venetian Question, The
- *c.* Explanation (Mr. Whiteside) [153] 915

LONDON, Bishop of
- Debtor and Creditor, Rep. *add. cl.* [153] 7
- Glebe Houses, Dilapidations in, [152] 169

London Bridge, Works at,
- *c.* Question (General Codrington), [152] 767

London Corporation, Reform of the,
- *c.* Question (Mr. Hankey), [152] 144 ; (Mr. Brady) [153] 1151

LONDONDERRY, Marquess of
- Irish Magistracy, [153] 305

Lords, House of
- *c.* Observations (Sir F. Baring) [153] 1432

LOVAINE, Lord (Vice President of the Board of Trade), *Northumberland, N.*
- Clearance Inwards, &c., Leave, [153] 1652
- Navy, State of the, Papers moved for, [153] 302 ;—Estimates, 1454
- Railway Tickets Transfer, Com. *cl.* 3, [153] 1613, 1617
- Thames Conservancy, [153] 352
- Yacht Club, Royal Western, Papers moved for [153] 1528

Lowe, Right Hon. R., *Kidderminster*
  Bankruptcy and Insolvency, Com. [153] 1143
  "Charles et Georges," Address moved, [152] 1524, 1538
  Church Rates, 2R. [152] 1591
  East India Loan, Res. [152] 584
  Mersey Docks and Harbour, 2R. [152] 396
  Navy and Coast Guard, Res. [152] 1308
  Real Estate Intestacy, 2R. [152] 1142
  Titles to Landed Estates, Leave, [152] 310

Lunacy, Master in, Appointment of a,
  c. Question (Mr. G. Clive), [152] 335, 402

Lunacy Regulation Act (1858) *Amendment Bill*
  c. Leave, [153] 482 ; 1R.* 483 ; 2R.* 1120

Lunatic Asylum, Kingston, Jamaica
  c. Question (Mr. Wyld) [153] 247

Lunatic Asylums, &c., Bill,
  c. 1R.* [152] 507 ; 2R.* 600

Lunatic Poor (*Ireland*), *Bill,*
  c. Leave, [152] 163 ; 1R.* 168 ;
    2R. 666; Amend. (Mr. Bagwell), 667; Amend. withdrawn, 672 ;
    Com. [153] 209 ; Amend. (Col. Greville) 210, Amend. withdrawn, 215 ; Amend. (Mr. J. D. FitzGerald) 215

Lunatics,
  c. Com. moved for (Mr. Tite), [152] 403

Lunatics (*Care and Treatment*) *Bill,*
  c. 1R.* [152] 507 ; 2R.* 600

Lygon., Hon. F., (Lord of the Admiralty), *Tewkesbury*
  Yacht Club, Royal Western, Papers moved for, [153] 1527

Lyndhurst, Lord
  Juries in Civil Causes, 2R. [153] 1018, 1019, 1021, 1025, 1026
  Indictable Offences (Metropolitan Districts) [153] 1530, 1540
  Royal Academy, The, [152] 1241

Lytton, Rt. Hon. Sir E. G. Bulwer, (Secretary of State for the Colonies), *Hertfordshire*
  Australia, Naval Defences of, [152] 1303
  British Columbia, [152] 1271
  Female Emigration, [153] 34
  Hong Kong—Government Offices, [153] 12
  "Host," Salutation of the, [152] 330 ; [153] 812
  Hudson's Bay Company, Papers moved for, [152] 1677
  Ionian Islands, The, [152] 605 ; [153] 246
  Lunatic Asylum, Kingston, Jamaica, [153] 247
  Moreton Bay, [153] 12
  Newfoundland Fisheries, Papers moved for, [152] 1667, 1670
  New South Wales, Ballot in, [152] 473 ;— Electoral Bill, 1272

[*cont.*

Lytton, Rt. Hon. Sir E. G. B.—*cont.*
  *Representation of the People, 2R. [153] 542
  Trinidad, Troops at, [153] 1152
  West Indies, Com. moved for, [152] 1226

M'Cann, Mr. J., *Drogheda*
  Markets (Ireland), Leave, [152] 163 ; 2R. 661

M'Carthy, Mr. A., *Cork Co.*
  Manor Courts (Ireland), Re-com. *cl.* 1, [152] 1241
  Markets (Ireland), 2R. [152] 662

Macartney, Mr. G., *Antrim Co.*
  Army Estimates, [152] 1406, 1409, 1412
  Bleaching and Dyeing Works, Leave, [152] 834
  Military Organization, Nomination of Com. [153] 383
  Prisons and Workhouses (Ireland), [152] 1174

Macaulay, Mr. K., *Cambridge*
  Representation of the People, 2R. [153] 1089

MacEvoy, Mr. E., *Meath Co.*
  Land, Sale and Transfer of, (Ireland), Leave, [152] 160
  Lunatic Poor (Ireland), Com. [153] 218

Mackie, Mr. J., *Kirkcudbrightshire*
  Charitable Institutions (Scotland), [152] 1170
  Edinburgh, &c. Annuity Tax, 2R. [153] 667
  Trial by Jury (Scotland), 2R. [153] 1130

MacKinnon, Mr. W. A., *Rye*
  Masters and Operatives, Leave, [152] 714

MacMahon, Mr. P., *Wexford Co.*
  Appeal in Criminal Cases, Leave, [152] 1112
  Belfast, The late Trials at, [153] 1811
  Lunatic Poor (Ireland), 2R. [152] 668
  Markets (Ireland), 2R. [152] 661
  Nixon, Rev. Mr., Attack on, [152] 766
  Offences against the Person, Leave, [153] 1772
  "Phœnix Society," Trials, [153] 1553
  Tramways (Ireland), 2R. [152] 434
  Vexatious Indictments, 2R. [153] 1687

Magistrates' Clerks, Fees to,
  c. Question (Mr. Adams), [152] 606

Maguire, Mr. J. F., *Dungarvan*
  Constabulary, The Irish, [152] 602
  Galway Mail Contract, [153] 1571
  Manor Courts (Ireland), Com. *cl.* 5, Amend. [152] 755
  Roman Catholic Oath, Com. moved for, [152] 821

Mail Contracts
  c. Question, (Mr. Cowper) [153] 914 ; (Sir F. Baring), 1432

Mail Service, (*Galway and America*)
  c. Papers moved for, (Mr. Horsfall), [153] 1399; Question (Mr. Beamish), 1568

Mail Service, (*North America*)
  c. Question, (Mr. Monsell), [153] 1686

Mail Service, (West Indian and Brazilian)
c. Question, (Mr. Davison) [153] 1547

Malicious Injuries Bill,
c. 1R.* [153] 1727

Malins, Mr. R., *Wallingford*
Admiralty Courts, 2R. [153] 1145
Bankruptcy and Insolvency, Com. [153] 1143
Jews, Leave, [152] 1181
Land, Sale and Transfer of, Leave, [152] 160
Landed Estates, Titles to, Leave, [152] 311; Com. [153] 95, 125
Parliament, Dissolution of, [153] 1421, 1422
Proctors, Compensation to, [153] 32
Superannuation, Com. *cl.* 11, [153] 382
Supply—Exchequer Bonds, [153] 1439;—Civil Services, [153] 1445

Malmesbury, Earl of, (Secretary of State for Foreign Affairs)
"Charles et Georges," Papers moved for, [152] 1428, 1438, 1440
China, Salt Trade to, [153] 1265
Danubian Principalities, The, [152] 214; [153] 4
Europe, State of—Evacuation of the Roman States, [152] 947, 949; [153] 904, 1530, 1689; Statement, 1830
Foreign Affairs—Peace of Europe, [152] 855
Montenegro, [153] 239, 241, 243
Search, Right of, [152] 316, 324
Stade Dues, [153] 168
Travancore, Disturbances in, [153] 1829

Malta, Military Honours to the "Host" at,
c. Question (Sir A. Agnew), [152] 107; (Mr. D. Griffith), 330; (Major Stuart Knox, [153] 811

Manners, Right Hon. Lord J. J. R., (First Commissioner of Works), *Leicestershire, N.*
Bleaching and Dyeing Works, Leave, [152] 836
Church Rates Abolition, 2R. [153] 193
Clock, The, at Westminster, [152] 1173
Government Offices, The New, [152] 263, 264, 516, 1174
Jews, Leave, [152] 1188
Kew, Conservatory at, [152] 1349
Law Courts, Concentration of the, [153] 342
Nelson Column, The, [152] 602
Newbury and Hereford Magistracy, [153] 1801
St. James's Park, [152] 1276; [153] 1561
Serpentine, Clearing of the, [152] 1474
Westminster New Bridge, [153] 1545; 2R. 1793, 1794

Manor Courts, &c. (Ireland) Bill,
c. Leave, [152] 156; 1R.* 157; 2R.* 507;
Com. 741, 744;
Res. 748;
cl. 1, Amend. (Mr. J. D. FitzGerald) 749; Amend. withdrawn, 752;
cl. 4, Amend. (Mr. Grogan), 752; Amend. withdrawn, 753; Amend. (Mr. Kirk), [*o. q.* A. 40, N. 46, M. 6] 754; [*m. q.* A. 91, N. 12, M. 79] 755;
cl. 5, Amend. (Mr. Maguire), 755;

[*cont.*

Manor Courts, &c.—cont.
Re-com. Adj. moved (Mr. Cox), [A. 6, N. 95, M. 89] [152] 1239;
cl. 1, Amend. (Mr. Cox), 1239, [*o. q.* A. 70, N. 14, M. 56] 1241;
3R.* 1348
Question (Sir D. Norreys) [153] 1415
l. 1R.* [152] 1415; 2R.* 1601
3R. Amend. (Earl of Leitrim) [153] 909; Amend. withdrawn, 911
Royal Assent, 1897

Manslaughter Bill,
c. Leave, [152] 732; 1R.* 734; 2R.* 1050; 3R.* 1567
l. 1R.* [152] 1601;
2R. [153] 1150; 3R.*, 1380
Royal Assent, 1897

Marine Engines, Supply of,
c. Question (Mr. Dalglish) [152] 221; (Mr. H. G. Langton), 1273

Marine Mutiny Bill,
c. 1R.* [152] 1348; 2R.* 1472
Com. [153] 166; 3R.* 198
l. 1R.* [153] 224; 2R.* 386; 3R.* 483
Royal Assent, 792

Markets (Ireland) Bill,
c. Leave, [152] 162, 1R.* 163;
2R. 661
Com. *cl.* 29, Amend. (Mr. Cogan) [153] 1148; [*o. q.* A. 123, N. 35, M. 88] 1149

Marlborough, Duke of,
Church Rates Relief, 1R. [153] 10
India—Education, Returns moved for, [153] 1789
Occasional Forms of Prayer, 2R. [152] 852
Thanksgiving, Public, [152] 853

Marriage Law Amendment Bill,
c. Leave, [152] 188, [A. 155, N. 85, M. 70] 190;
1R.* *ib.*;
2R. 434; Amend. (Mr. B. Hope) 440, [*o. q.* A. 135, N. 77, M. 58] 459;
Com. 498;
3R. Amend. (Mr. B. Hope), [*o. q.* A. 137, N. 89, M. 48] 1238
l. 1R.* [152] 1241
2R. [153] 483; Amend. (Visct. Dungannon), 495, [*o. q.* Contents 39, Not-Contents 49, M. 10] 526

Married Persons (Scotland) Bill,
c. Leave, [153] 529; 1R.* 1120

Marsh, Mr. M. H., *Salisbury*
Moreton Bay, [153] 11

Masters and Operatives Bill,
c. Leave, [152] 714; 1R.* 766; 2R.* [153] 688
Question (Mr. FitzRoy), 816;
Entry of, 2R., expunged, [153] 1010

Maynooth,
c. Observations (Mr. Spooner), [153] 1346

Medical Act (1858) *Amendment Bill,*
c. 1R.* [152] 507; 2R.* 600; 3R.* 1117
l. 1R.* [152] 1166; 2R.* [153] 167;
Com. 687; 3R.* 903;
Commons' Reasons, 1624;
Royal Assent, 1897

Medjidie, Order of the
c. Question (Mr. Laurie), [153] 529

Melgund, Viscount, *Clackmannan, &c.*
Education, Res. [152] 491, 497
Excisable Liquors (Scotland), Com. moved for, [152] 1202, 1218
Spirituous Liquors, Sale of, (Scotland), [152] 143, 606

Mellor, Mr. J., *Great Yarmouth*
Church Rates, Leave, [152] 652
Conveyance of Voters, Leave, [152] 729
Incumbered Estates (Ireland), [153] 1432
Real Estate Intestacy, Leave, [152] 483; 2R. 1121, 1126
Representation of the People, 2R. [153] 1097
Trial by Jury (Scotland), 2R. [153] 1131

Merchant Shipping,
c. Com. moved for (Mr. Lindsay), [152] 1068; Amend (Mr. Collier), 1086

Mersey Docks and Harbour Bill,
c. 1R.* [152] 140;
2R. 395; Amend. (Mr. Tollemache), *ib.* [*o. q.* A. 181, N. 102, M. 79] 400

Mersey Docks and Liverpool Corporation Property Rating Bill,
c. 1R.* [152] 140;
2R. 1051; Amend. (Mr. Turner), *ib.*

Metroplitan Board of Works,
l. Question (Marquess of Clanricarde), [153] 1857

Miles, Mr. W., *Somersetshire*
Agricultural Statistics, Res. [152] 785
Representation of the People, Notice, [152] 1618
Superannuation, Com. *cl.* 11, [153] 382

Military Honours,
c. Question (Mr. Laurie), [152] 184

Military Organization,
c. Com. moved for (Captain Vivian), [152] 1644; Nomination of Com. [153] 383

Militia,
Commission, l. Question (Earl Grey), [152] 237
c. Question (Mr. Dent), [152] 250
Disembodiment of the, c. Question (Mr. B. Westhead), [152] 1620
Reduction of the, c. Question (Colonel North), [152] 107

Miller, Mr. S. B., *Armagh City*
Lunatic Poor (Ireland), 2R. [152] 668

Mills, Mr. A., *Taunton*
Ballot, Leave, [153] 1681
Education, Reports of Inspectors of, Address moved, [152] 712
Representation of the People, 2R. [153] 468

Milnes, Mr. R. M., *Pontefract*
British Museum, Com. moved for [153] 264
Business of the House, [152] 609
Consular Service, The, [153] 1561
Europe, State of, Statement, [153] 1889
Japan, Consular Appointments in, [152] 859, 1056, 1057
Real Estate Intestacy, 2R. [152] 1128
Representation of the People, 2R. [153] 966

Ministerial Resignations,
c. Explanation (Mr. Walpole), [152] 1058; (Mr. Henley), 1064

Ministerial Statements,
l. (Earl of Derby), [153] 1265, 1266
c. (Chancellor of the Exchequer), [153] 1301; see *Parliament, Dissolution of,*

Mitchell, Mr. T. A., *Bridport*
Representation of the People, [153] 691
Wood, Colonial and Foreign, Res. [152] 1189, 1200, 1202

Moffat, Mr. G., *Ashburton*
Atlantic Telegraph, The, [152] 965
Bankruptcy and Insolvency, Leave, [152] 429; 2R. [153] 205; Com. 1142

Moncreiff, Rt. Hon. J., *Leith, &c.,*
Edinburgh, &c. Annuity Tax, 2R. [153] 650
Married Persons (Scotland), Leave, [153] 529
Representation of the People, 2R. [153] 1067
Trial by Jury (Scotland), 2R. [153] 1124

Monies, Public,
c. Question (Sir F. Baring), [152] 341

Monsell, Rt. Hon. W., *Limerick Co.*
Army Estimates, [152] 1332, 1333, 1335, 1403, 1404, 1410
Limerick, Constabulary of the County of, [153] 1626
Lunatic Poor (Ireland) 2R. [152] 672
Mail Service (Galway and America), Papers moved for [153] 1410, 1572;—(North America), 1686
Manor Courts (Ireland) Com. Res. [152] 749; *cl.* 1, 751
Poor Relief (Ireland) Act Amendment, 2R. [153] 675
Superannuation, Com. *cl.* 11, [153] 381
Vaccination, [153] 35
Woolwich, Competitive Examinations at, [153] 1822

Monteagle, Lord
Assassinations in Ireland, Returns moved for, [152] 234
East India Loan, 2R. [153] 1506
Indian Finance, Address moved [153] 808
Mails, The Irish, [153] 1600, 1606
Metropolitan Board of Works, [153] 1858
Post Office—Unpaid Letters, Papers moved for, [152] 757
Royal Academy, The, [152] 1253

Montenegro,
l. Question (Lord Clarendon), [153] 236

Moore, Mr. J. B., *Maldon*
Navy Estimates, [153] 1513

Moreton Bay,
c. Question (Mr. Marsh), [153] 11

Mowbray, Rt. Hon. J. R., (Judge Advocate), *Durham City*
Army Estimates, [152] 1335
Proctors, Compensation to, [153] 32

Municipal Elections Bill,
c. Leave, [152] 225; 1R.* 226;
2R. 735;
Com. *cl.* 11, Amend. (Mr. Ridley), 1677;
cl. 13; Amend. (Mr. Divett), 1678, [*o.q.* A. 261, N. 13, M. 248] *ib.*;
add. cl. (Mr. Hadfield), [A. 97, N. 187, M. 90] 1679;
add. cl. (Mr. Cox), [A. 108, N. 181, M. 73] 1680;
add. cl. (Mr. H. Berkeley), 1681; *cl.* withdrawn, 1682;
Consid. Amend. (Mr. Ayrton), [153] 222; Amend. withdrawn, 223;
3R.* 811
l. 1R.* [153] 903; 2R.* 1617; 3R.* 1828
Royal Assent, 1898

Municipal Franchise,
l. Com. moved for (Earl Grey), [152] 838

Mutiny Bill,
c. 1R.* [152] 1348; 2R.* 1472;
Com. [153] 164; 3R.* 198
l. 1R.* [153] 224; 3R.* 386; 3R.* 483
Royal Assent, 792

Naas, Rt. Hon. Lord, (Secretary for Ireland), *Cockermouth*
Bequests Act (Ireland), [153] 388
Constabulary, The Irish, [152] 602
County Prisons (Ireland), Leave, [152] 222, 224; Com. [153] 1398, 1399
County Prisons (Ireland), Return moved for, [152] 836
Education (Ireland), Order discharged, [153] 1412
Endowed Schools (Ireland), [152] 508
Fishery Laws (Ireland) [152] 1054
Incumbered Estates Court (Ireland), [152] 1475; [153] 27; Explanation, 1431
Juries (Ireland), 2R. [152] 1567
Land Courts (Ireland), Fees in the Transfer of, [153] 813
Landlord and Tenant (Ireland), Return moved for, [152] 229
Lunatic Poor (Ireland), Leave, [152] 163, 167; 2R. 669; Com. [153] 210; 217
Manor Courts (Ireland) Com. [152] 743, 748; *cl.* 4, 752; [153] 1415
Markets (Ireland), Leave, [152] 162, 163; 2R. 661, 663; Com. *cl.* 19, [153] 1148
Ministerial Statements, [153] 1341
National Schoolmasters (Ireland), [153] 1510
Neapolitan Exiles, The, [152] 1475
Nixon, Rev. Mr., Attack on, [152] 766
[*cont.*

Naas, Rt. Hon. Lord—*cont.*
"Phœnix Society" Trials, [153] 1384
Political Prisoners (Ireland), [153] 26
Poor Relief (Ireland) Act Amendment, Leave, [152] 1566; 2R. [153] 676
Queen's Colleges (Ireland), [152] 694
Supply—Civil Services, [153] 1441, 1443
Tenant Right, [153] 1509

Napier, Vice Admiral Sir C., *Southwark*
Admiralty, Lords of the, [153] 1647
Army Estimates, [152] 1409, 1411
Dockyard Expenditure, [153] 52, 57
French Vessels on the British Coast, [152] 771
Marine Mutiny, Com. [153] 166
Ministerial Statement, [153] 1340
Navy and Coast Guard, Res. [152] 1294, 1301, 1302
Navy, Manning the, [152] 184, 771:—Ships and Steamers, Return moved for, 779, 780; —Estimates, [152] 922, 931, 944; [153 84, 144, 161, 162, 163, 164, 1451, 1452, 1453, 1474, 1512, 1513;—State of the, Papers moved for, 299, 300, 301, 303, 304

Naples to Malta Telegraph,
l. Question (Lord Wodehouse), [152] 1254

National Gallery, The,
c. Question (Sir H. Willoughby), [152] 182;—*The "Apollo and Marsyas"* Question, (Mr. Coningham), [153] 817, 1825—see *Royal Academy, The*

Naval Medical Supplemental Fund Society Annuities, &c., Act Continuance Bill,
c. 1R.* [153] 1415; 2R.* 1508;
3R. 1611
l. 1R.* [153] 1617; 2R.* 1772; 3R.* 1828
Royal Assent, 1897

Navigation Laws,
c. Observations (Mr. Hutt), [152] 512; Reply, (Mr. S. FitzGerald), 531

Navy,
Admiralty, Lords of the, c. Question (Sir B. Hall), [153] 1626
Admiralty Returns, c. Question (Mr. Richardson), [152] 334
Dockyard Expenditure, c. Motion (Lord C. Paget), [153] 39, [A. 97, N. 117, M. 20] 83; Observations (Sir J. Pakington), 92
Estimates, c. Question (Lord J. Russell), [152] 219; Observations (Sir J. Pakington), 772; —*Supply*, 882, 1407; [153] 84, 129; Amend. (Mr. W. Williams), 131; Motion neg. 146, 160, 1445, 1511
Flag Officers, c. Question (Adm. Duncombe) [153] 1820
Manning the, l. Question (Lord Stanley of Alderley), [152] 756
c. Question (Sir C. Napier), [152] 184, 771; (Adm. Duncombe), 1055
Medical Officers in the, c. Question (Sir E. Perry), [152] 333, 769; (Sir E. Grogan), [153] 1863
[*cont.*

Navy—cont.
Paymasters in the, c. Question (Sir G. Pechell), [153] 11
Ships and Steamers, c. Returns moved for, (Sir C. Napier), [152] 779; Motion neg. 780
State of the, c. Papers moved for (Sir C. Napier), [153] 299, [A. 26, N. 177, M. 151] 304

Navy and Coast Guard,
c. Res. (Sir C. Napier), [152] 1294, [A. 37, N. 74, M. 37] 1310

Neapolitan Exiles, The
c. Question (Mr. J. D. FitzGerald), [152] 1475

Nelson Column, The
c. Question (Mr. Laurie), [152] 602

Newbury, Magistracy of,
c. Question (Mr. T. Duncombe), [153] 1794

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Army Estimates, [152] 1407
Business, Public, [153] 1386
Church Rates, Leave, [152] 652
Church Rates, Res. [152] 1661
Church Rates Abolition, [153] 1042, 1043
Conveyance of Voters, 2R. [152] 1163
Enfield Factory, [152] 1288, 1475
Jews, Leave, Amend. [152] 1177, 1187, 1188; Report, [153] 1769
Ministerial Statement, [153] 1328
Newbury and Hereford Magistracy, [153] 1799
Occasional Forms of Prayer, 2R. [152] 149
Representation of the People, Leave, [152] 1014; 2R. [153] 473
Roman Catholic Oath, Com. moved for, [152] 818
Rothschild, Baron Mayer de, Admission of, Res. [152] 460, 462

Newfoundland Fisheries,
c. Papers moved for (Viscount Bury), [152] 1662; Motion withdrawn, 1676

"Newport," The,
c. Question (Mr. Crawford), [152] 965

New South Wales, The Ballot in,
c. Question (Mr. Dillwyn), [152] 473;—*Electoral Bill,* Question (Mr. H. Berkeley), 1272

Newspapers, &c., Bill,
c. Leave, [152] 484; 1R.* 491;
2R. 1157
Com. [153] 383, 1523

NICOLL, Mr. D., *Frome*
Beer Houses, &c., [152] 1349
Conveyance of Voters, Leave, [152] 729
Fire Insurances, Leave, [153] 297
Superannuation, [152] 1054
Weedon Commission, The, [152] 187

Nixon, Rev. Mr., Attempted Murder of,
c. Question (Sir H. Keating), [152] 603; (Mr. M'Mahon), 766

NORREYS, Sir D. J., *Mallow*
Education (Ireland), Order discharged, [153] 1413
Fiscal Affairs (Ireland), [153] 1528
Lunatic Poor (Ireland), 2R. [152] 668
Mail Service (Galway and America), Papers moved for, [153] 1401
Manor Courts (Ireland), Com. Res. [152] 749; *cl.* 1, 750; [153] 1415
Markets (Ireland), 2R. [152] 663
Ministerial Statement, [153] 1334
Parliamentary Reform, [153] 1434
Representation of the People, 2R. [153] 1118
Superannuation, Com. *cl.* 1, [153] 375, 376, 377; Amend. 378; *add. cl.* 1398; 3R. 1522
Tramways (Ireland), 2R. [152] 433

NORTH, Col. J. S., *Oxfordshire*
Army Estimates, [152] 1329
Household Infantry, Com. moved for, [153] 285
India—Vote of Thanks to the Governor General, &c. [153] 1757
Militia, Reduction of the, [152] 107
Regimental Quartermasters, Address moved, [153] 273
Superannuation, Com. *cl.* 3, [153] 379; *cl.* 13, 1389; Amend. 1390

NORTHCOTE, Sir S. H. (Secretary to the Treasury), *Stamford*
Bann, The River, [153] 1300
Barber, Mr., Case of, [153] 353
Colonial Postage, [152] 514
Colonies, The, [152] 473
Consolidated Fund Appropriation, 2R. [153] 1651; 3R. 1765
County Courts, Leave, [152] 1237; 2R. [153] 87
Deeds, Stamps on (Scotland), [153] 247
Education, Reports of Inspectors of, Address moved, [152] 707
Exchequer Bills, Res. [152] 1625
Fire Insurances, Leave, [153] 297
Harbours of Refuge, [153] 248
Letters not Pre-paid, [152] 254
Limerick, Constabulary of the County of, [153] 1626
Mail Contracts, [153] 1433
Mail Service (Galway and America), Papers moved for, [153] 1400, 1568;—(West Indian and Brazilian), 1547;—(North America), 1687
Manor Courts (Ireland), Com. *cl.* 4, [152] 754
Merchant Shipping, Com. moved for, [152] 1093
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1052
Naval Medical Annuities, &c., 3R. [153] 1611
"Newport," The, [152] 965
Paper Duty, [152] 1272; [153] 1152
Paper Weighing—Messrs. Rawlins, [152] 769
Patent Law, [152] 248
Postage Envelopes, [153] 1042
Postage Stamps—India, [152] 1279
Postal Communication (Ireland), [152] 333
Postal Regulations, [153] 529

[*cont.*

Northcote, Sir H.—*cont.*
Prisons and Workhouses (Ireland), [152] 1175
Probate Court, Officers of the, [153] 1153
Proctors, Compensation to, [153] 33
Property, Law of, &c., Com. *cl.* 1, [153] 1594
Receipt Stamps (Scotland), Allowance on, [153] 245
Representation of the People, 2R. [153] 826
Stationery, Contracts for, [153] 690
Statute Law Commission, Returns moved for, [152] 228
Superannuation, 2R. [152] 592, 1054, 1173; Com. [153] 353, 364; *cl.* 1, 376, 377, 378; *cl.* 2, 379; *cl.* 7, 380; *cl.* 11, 381; *cl.* 13, 382, 1387, 1390, 1391, 1392, 1393; *add. cl.* 383, 1395, 1396, 1397, 1398; 3R. 1522
Supply—Exchequer Bonds, [153] 1435, 1436, 1437;—Civil Services, 1441, 1443
Surveyors of Taxes, [152] 769
Tea, Damaged, [153] 1414
Thames Conservancy Board, [152] 857
Wood, Colonial and Foreign, Res. [152] 1194

Nottingham Charities Bill,
c. 1R.* [152] 1348; 2R.* [153] 330; 3R.* 912
l. 1R.* [153] 1010; 2R.* 1528; 3R.* 1617
Royal Assent, 1897

Oaths Act Amendment Bill,
c. 1R.* [152] 1472; 2R.* [153] 92;
Com. 218;
cl. 1; Adj. moved (Mr. Spooner), 220; Motion withdrawn, 221;
3R.* 243
l. 1R.* [153] 304; 2R.* 678; 3R.* 903
Royal Assent, 1528

O'Brien, Mr. P., *King's Co.*
Conveyance of Voters, 2R. [152] 1161
County Prisons (Ireland), Return moved for, [152] 838
Mail Service (Galway and America), Papers moved for, [153] 1404
Manor Courts (Ireland), Re-com. *cl.* 1, [152] 1241
Representation of the People, Leave, [152] 1037; 2R. [153] 1010, 1120
Roman Catholic Oath, Com. moved for, [152] 825

Occasional Forms of Prayer Bill, now *Anniversary Day's Observance Bill,*
c. Leave, [152] 117; 1R.* 118;
2R. 148; Amend. (Mr. Hadfield), 149; Amend. withdrawn, 150;
3R.* 507
l. 1R.* [152] 596;
2R. 850; 3R.* [153] 1
Royal Assent, 792

O'Connell, Captain D., *Tralee*
County Prisons (Ireland), Com. [153] 1399
"Phœnix Society" Trials, [153] 1384

O'Donoghoe, The, *Tipperary Co.*
Tenant Right (Ireland), [152] 1272

Offences against the Person Bill,
c. Leave, [153] 1771; 1R.* 1772

Ogilvy, Sir J., *Dundee*
Reform Bill for Scotland, [152] 333
Representation of the People, Leave, [152] 1007, 1013

Osborne, Mr. R. B., *Dover*
Admiralty, Lords of the, [153] 1640, 1641, 1646
Church Rates Abolition, 2R. [153] 184
Dockyard Expenditure, [153] 59, 62
Lunatic Poor (Ireland), Com. [153] 216
Ministerial Statement, [153] 1336
Navy Estimates, [153] 85, 143
Parliament, Dissolution of, [153] 1427
Poor Relief (Ireland), Act Amendment, 2R. [153] 676
Representation of the People, 2R. [153] 743, 759
Supply—Civil Services, [153] 1441

Outlawries Bill,
c. 1R.* [152] 56

Overstone, Lord
Debtor and Creditor, 2R. [152] 956; 3R. [153] 231
Companies Act (1859), Re-com. [153] 680
Indictable Offences (Metropolitan Districts), 3R. [153] 1542

Oxford, Bishop of
Ecclesiastical Courts and Registries (Ireland), 2R. [152] 760
Foreign Affairs—Peace of Europe, [152] 855
Immigration Act (Jamaica), [152] 178
Marriage Law Amendment, 2R. [153] 517, 525

Packe, Mr. C. W., *Leicestershire, S.*
Agricultural Statistics, Res. [152] 788
Bleaching and Dyeing Works, Leave, [152] 835
Church Rates, Leave, [152] 643
Church Rates Abolition, Leave, [152] 200; 2R. [153] 191
Conveyance of Voters, 2R. [152] 1158
Lunatics, Com. moved for, [152] 412
Representation of the People, 2R. [153] 854

Paget, Lord C. E., *Sandwich*
Dockyard Expenditure, [153] 39, 49, 52, 53, 78
Navy Estimates, [153] 139, 1448
Telegraph Companies, Subsidies to, [152] 402

Pakington, Rt. Hon. Sir J. S. (First Lord of the Admiralty), *Droitwich*
Address in Answer to the Speech, [152] 102
Admiralty, Lords of the, [153] 1632, 1641, 1647, 1650
Admiralty Returns, [152] 334
Army Estimates, [152] 1405
Australia, Naval Defences of, [152] 1296
Business of the House, [152] 606, 609
Carnegie, Capt., Case of, [153] 1625
China, Operations in—Medals, &c., [152] 768; —Naval Expenditure in, [153] 1431
Church Rates, 2R. [152] 1581
Church Rates Abolition, 2R. [152] 1683
Conveyance of Voters, 2R. [152] 1165
[*cont.*

PAKINGTON, Rt. Hon. Sir J. S.—*cont.*
"Czar," Storeship, Wreck of the [132] 276
Dockyard Expenditure, [153] 49, 52, 92
Flag Officers, [153] 1821
French Vessels on the British Coast [152] 722
Galway Port and Harbour, [152] 108, 109
Harbours of Refuge, [152] 143
Hereford, New Magistrates for, [153] 1565
Huntingdon Magistracy, [153] 22
London Bridge, Works at, [152] 767
Marine Engines, Supply of, [152] 222, 1273
Marine Mutiny, Com. [153] 166
Medical Officers in the Navy, [152] 333, 769; [153] 1863
Medjidie, Order of the, [153] 529
Military Organization, Com. moved for, [152] 1649
Ministerial Statement, [153] 1340
Naval Medical Annuities, &c., 3R. [153] 1611
Navy and Coast Guard, Res. [152] 1296, 1301, 1305, 1306
Navy, Manning the, [152] 184, 1055;—Estimates, 220, 772;—Supply, 882, 916, 942, 944, 1407; [153] 83, 84, 85, 140, 161, 162, 163, 1445, 1448, 1450, 1452, 1453, 1462, 1466, 1468, 1470, 1511, 1512, 1513, 1514;—Paymasters in the, [153] 11;—State of the, Papers moved for, 300, 303
Parliament, Dissolution of, [153] 1417, 1424, 1426
Piers and Harbours, [152] 1619
Representation of the People, 2R. [153] 985, 989, 998, 1119
Roman Catholic Sailors, [153] 689
Rules of Debate — Resolutions by way of Amendment, [153] 1005
Ships and Steamers, Returns moved for, [152] 779
Supply—Exchequer Bonds [153] 1438, 1439, 1440;—Civil Services, 1442

PALK, Mr. L., *Devonshire, S.*
Reform Bill, The, [152] 1284

PALMER, Mr. R., *Berkshire*
Representation of the People, 2R. [153] 1074

PALMERSTON, Rt. Hon. Viscount, *Tiverton*
Address in Answer to Speech, [150] 72, 93
Army Estimates, [152] 1410; [153] 1516
Ballot, Leave, [153] 1674
Business of the House, [152] 609
"Charles et Georges," Address moved, [152] 1566
Conveyance of Voters, Leave, [152] 730; 2R. 1159
Education, Reports of Inspectors of, Address moved, [152] 706, 714
Europe, State of—Evacuation of the Roman States, [152] 869; Notice, [153] 1508, 1546; Statement, 1873
Foreign Office, The New, [152] 523
Government Offices, The New, [152] 270
India—Vote of Thanks to the Governor General, &c., [153] 1746
Japan, Consular Appointments in, [152] 868
Lombardo-Venetian Question, Explanation, [153] 1006
Ministerial Statement, [153] 1307
Navy and Coast Guard, Res. [152] 1301
[*cont.*

PALMERSTON, Rt. Hon. Visct.—*cont.*
Navy Estimates, [152] 773
Oude, Pacification of, [153] 347
Parliament, Dissolution of, Explanation, [153] 1415, 1582, 1609, 1826
Railway Tickets Transfer, Com. *cl.* 3, [153] 1615
Real Estate Intestacy, 2R. [152] 1153
Regimental Quartermasters, Address moved, [153] 275
Representation of the People, Leave, [152] 1031; [153] 839; 2R. 873, 902, 1157
Sittings of the House, Res. [152] 194
Superannuation, Com. *add. cl.* [153] 1396
Supply—Exchequer Bonds, [153] 1434

Paper Duty,
c. Question (Mr. W. Ewart), [152] 1271; (Mr. Dillwyn), [153] 1152

Paper Weighing—Messrs. Rawlins,
c. Question (Mr. Craufurd), [152] 769

Parliament, Dissolution of,
c. Explanation (Visct. Palmerston), [153] 1415; Question (Sir G. Grey), 1577; (Visct. Palmerston), 1609, 1826; (Mr. T. Duncombe), 1900

Parliament, Meeting of,
l. The Queen's Speech, [152] 1; Address in Answer (Earl of Winchilsea), 6; Her Majesty's Reply, 105; Prorogation, [153] 1898
c. Address in Answer to the Speech (Mr. Trefusis), [152] 58; Report, 109; Her Majesty's Reply, 140; Prorogation [153] 1900

Parliamentary Reform,
c. Question (Mr. T. Duncombe), [152] 140; (Mr. E. Ellice), 1282; (Mr. C. Fortescue), 1285; (Mr. White), [153] 10; (Mr. Hutt), 249; Observations (Mr. Roebuck), 330; (Lord. J. Russell), 342; (Mr. Mitchell), 691; (Mr. Griffith), 913; Notice (Sir D. Norreys), 1434; Question (Mr. Cayley), 1575;—see *Representation of the People Bill*

Parliamentary Voters (Ireland) Bill,
c. Leave, [153] 292; 1R.* 330; 2R.* 1120

Patent Law,
c. Question (Mr. T. Duncombe), [152] 248

Patents for Inventions (Munitions of War) Bill,
c. Leave, [153] 482; 1R.* *ib.*; 2R.* 688; 3R.* 1040
l. 1R.* [153] 1149; 2R.* 1266; 3R.* 1474 Royal Assent, 1528

PATTEN, Col. J. W., *Lancashire, N.*
Business, Private, [153] 1383
Ministerial Statement, [153] 1330
Railway Tickets Transfer, Com. *cl.* 3, [153] 1616

Paul and Strahan, Case of,
c. Question (Mr. H. Sheridan), [152] 144

Pauper Maintenance Bill,
c. 1R.* [152] 1415; 2R.* 1508; 3R.* 1607
l. 1R.* [153] 1617; 2R.* 1772; 3R.* 1828
Royal Assent, 1897

PEASE, Mr. H., *Durham, S.*
Bleaching and Dyeing Works, Leave, [152] 837
Manor Courts (Ireland), Re-com. *cl.* 1, [152] 1241

PECHELL, Rear Adm. Sir G. R., *Brighton*
China, Operations in—Medals, &c., [152] 767
Dockyard Expenditure, [153] 65
Highways, 2R. [152] 345
Municipal Elections, Leave, [152] 225
Navy Estimates, [152] 941; [153] 1451, 1514
Paymasters in the Navy, [153] 11

PEEL, Rt. Hon. Major Gen. J. (Secretary of State for War), *Huntingdon*
Adjournment, Motions on, [152] 511
Army—Band Charge, [152] 770;—Forty-first Regiment, [153] 246, 1152, 1822
Army Estimates, [152] 1288;—Supply, 1310, 1323, 1324, 1329, 1331, 1333, 1334, 1335, 1336, 1401, 1402, 1403, 1404, 1405, 1407, 1409, 1410, 1411, 1412, 1413, 1414; [153] 1515, 1516, 1517, 1518, 1520
Barrack Accommodation, [152] 144
Barrack Masters, [152] 249
Bath, Order of the, [152] 401
Billeting System, The, [152] 144; in Scotland, [153] 11
Cashmere Gate, Blowing in of the, [153] 1593
Commissions, Sale and Purchase of, [152] 330; [153] 38, 1556
Competitive Examinations at Woolwich, [153] 1824
Dickson, Lieut. Col., Case of, [153] 1862
Enfield Factory, [152] 1288, 1475
"Garden of the Soul," [152] 220
"Host," Military Honours paid to the, [152] 107; [153] 1430
Household Infantry, Com. moved for, [153] 279
Huntingdon Magistracy, [153] 19, 337
India—Medals to the Troops, [152] 332;—Troops in, [153] 1823
Land Transport Corps, [152] 334, 473; [153] 1041
Military Honours, [152] 185
Military Organization, Com. moved for, [152] 1648; Nomination of, Com. [153] 384
Militia Commission, [152] 250
Militia, Reduction of the, [152] 107;—Disembodiment of the, 1620
Mutiny, Com. [153] 165, 166
Officers in the Mediterranean, [152] 1350
Recruiting in the Army, [152] 508
Regimental Quartermasters, Address moved, [153] 274
Rifled Cannon, [153] 38
Trinidad, Troops at, [153] 246, 1152, 1822
Veterinary Surgeons, [152] 771
Weedon Commission, The, [152] 187, 527

PEEL, Sir R., *Tamworth*
Representation of the People, 2R. [153] 1170

Penalties, Remission of, Bill,
c. 1R.* [152] 1271; 2R.* 1348; 3R.* [153] 92
l. 1R.* [153] 167; 2R.* 182; 3R.* 1828
Royal Assent, 1898

Pennefather, Mr. Ex-Baron,
l. Question (Earl of Leitrim), [153] 810

PERRY, Sir T. E., *Devonport*
Admiralty, Lords of the, [153] 1648
Army Estimates, [153] 1520, 1522
Army, The Indian, [153] 248
East India Loan, [152] 380; Res. 553; 2R. 1396; Com. [153] 86
India, Affairs of, [152] 187;—Financial Despatches, Address moved, [153] 1044;—Office, 1559
Landed Estates, Titles to, Com. [153] 124
Medical Officers in the Navy, [152] 333, 769
Representation of the People, 2R. [153] 1009
Superannuation, Leave, [152] 155

Persian Expedition, The,
c. Question (Col. Sykes), [152] 471

Personation Bill,
c. 1R.* [153] 1727

Petitions of Right Bill,
c. Leave, [152] 1114; 1R.* 1117; 2R.* [153] 92; 3R.* 912
l. 1R.* [153] 1010;
2R. 1544; Bill withdrawn, 1545

PHILIPPS, Mr. J. H., *Haverfordwest*
Agricultural Statistics, Res. [152] 784
Representation of the People, 2R. [153] 564

PHILIPS, Mr. R. N., *Bury*
Army Estimates, [152] 1409

Piers and Harbours Bill,
c. 1R.* [152] 393;
Question, (Mr. Finlay), 1619

PIGOTT, Mr. F., *Reading*
Army Estimates, [152] 1330, 1338

Poisons, Sale of, Bill,
c. Leave, [152] 205; 1R.* 210;
2R. 507

Poor, Irremovable,
c. Com. moved for (Mr. S. Estcourt), [152] 201

Poor Law and Medical Charities Act (Ireland) Amendment Bill,
c. 1R.* [153] 527

Poor Law Boards (Payment of Debts) Bill,
c. Leave, [152] 674; 1R.* 675;
2R. 944

Poor Relief (Ireland) Act Amendment Bill,
c. Leave, [152] 1566; 1R.* 1567;
2R. [153] 672; Amend. (Mr. Grogan), 675; Adj. moved (Mr. Dobbs), 676

Portugal—Claims of British Traders,
c. Question (Mr. Crawford), [152] 1273

Postage, Colonial
c. Question (Mr. Steuart), [152] 514

Postage, Compulsory Prepayment of
l. Observations (Duke of Argyll), [152] 675; Papers moved for (Lord Monteagle), 757
c. Observations (Mr. Rich), [152] 250, 1476

Postage Envelopes,
c. Question (Mr. Cowan), [153] 817, 1042

Postage Stamps—India,
c. Question (Sir W. Fraser), [152] 1278

Postal Regulations,
c. Question (Mr. Kinnaird) [153] 529

Postal Service—see *Ireland—Mail Service.*

Powell, Mr. F. S., *Wigan*
Witnesses, Remuneration to, [153] 691

Private Bills—Resumption in next Parliament,
l. Res. (Lord Redesdale), [153] 1528
c. Standing Orders, [153] 1607

Probate Court, Officers of the
c. Question (Mr. Vance), [153] 1153

Probate, Court of (Acquisition of Site), Bill,
c. 1R.* [152] 1271

Proctors, Compensation to
c. Question (Mr. Hadfield), [153] 29

Property, Law of, and Trustees Relief Amendment Bill,
l. 1R.* [152] 1; 2R.* 118;
3R. 468
c. 1R.* [152] 766; 2R.* 1170
Com. *cl.* 1, [153] 1594

Public Offices Extension Bill,
c. 1R.* [152] 1271; 2R.* [153] 330; 3R.* 1383
l. 1R.* [153] 1474; 2R.* 1617; 3R.* 1828
Royal Assent, 1897

Puller, Mr. C. W., *Hertfordshire*
Education, Reports of Inspectors of, Address moved, [152] 704
Exchequer Bills, Res. [152] 1625
Marriage Law Amendment, Com. [152] 498

Queen's Colleges (Ireland),
c. Question (Lord Dunkellin), [152] 694

Queen's Speech, The—Opening of Parliament,
l. Address moved (Earl of Winchilsea), 6; Her Majesty's Reply, [152] 105
c. Address moved (Mr. Trefusis), [152] 58; Report, 109; Her Majesty's Reply, 140

Railway Accidents,
c. Question (Mr. Bentinck), [152] 250

Railway Tickets Transfer Bill,
l. 1R.* [153] 792;
2R. 911;
3R. 1298
c. 1R.* 1415; 2R.* 1508;
Com. *cl.* 3, Amendment (Mr. Ayrton), 1612; Amendment withdrawn, 1617

Ravensworth, Lord
Address in Answer to the Speech, [152] 16

Real Estate Intestacy Bill,
c. Leave, [152] 474; 1R.* 484;
2R. [152] 1117; Amend. (Lord W. Graham), 1121, [*o. q.* A. 76, N. 271, M. 195] 1157

Real Estate, Transfer of,
l. Petition (Lord Brougham), [152] 498

Recreation Grounds Bill,
c. 1R.* [152] 855; 2R.* 1117; 3R.* [153] 198
l. 1R.* [153] 224;
2R. 1382; 3R.* 1594
Royal Assent, 1897

Redesdale, Lord
Chancery, Court of—The New Courts [153] 1595
Ecclesiastical Courts and Registries (Ireland), Com. *cl.* 4, [152] 1347
Local Government, 2R. [153] 1773
Mails, The Irish, [153] 1607
Metropolitan Board of Works, [153] 1858
Private Bills—Resumption in next Parliament, Res. [153] 1528
Railway Tickets Transfer, 2R. [153] 911; 3R. 1298, 1299
Telegraph Companies, Contracts with, Papers moved for, [153] 89
Thames Watermen and Lightermen, Re-com [153] 1621, 1622; Amend. 1623
Vaccination, [152] 1345

Red Sea and India Telegraph Company (No. 2) *Bill,*
c. 1R.* [152] 433; 2R.* 692; 3R.* [153] 1041
l. 1R.* [153] 1149; 2R.* 1528
3R. 1773; Bill withdrawn, 1778;
Question (Lord Stanley of Alderley), 1828

Reform Bill—see *Representation of the People Bill,*

Reformatory Hulk "Akbar"
c. Question (Mr. Briscoe), [153] 1861

Registration of Births, &c. (Ireland), Bill,
c. 1R.* [152] 1472

Registration of County Voters (Scotland) Bill,
c. Leave, [152] 497; 1R.* 498;
2R. [153] 209

Representation of the People Bill,
c. Leave, [152] 966; Amend. (Mr. Baxter), 1007; Amend. withdrawn, 1044; 1R.* *ib.*; Notice (Mr. Miles), 1618; (Lord J. Russell), *ib*; 2R. [153] 389; Amend. (Lord J. Russell), 405; Adj. moved (Mr. Wilson), 481; Adj. Debate, 531, 692; Explanation, (Solicitor General,) 814; (Mr. Horsman), 825; Adj. Debate, 826, 915; Observations (Chancellor of the Exchequer), 1043; Adj. Debate, 1044; Explanation (Lord Elcho), 1153; Adj. Debate, 1157, [*o. q.* A. 291, N. 330, M. 39], 1257;
Amend. (Mr. Wyld), 1261, [A. 98, N. 328, M. 230] 1263;—see *Parliamentary Reform*

REPTON, Mr. G. W. J., *Warwick*
Galway Mail Contract, [153] 1573

Resting Places for Porters, and Drinking Fountains,
c. Question (Mr. Slaney), [152] 400

Revenue Departments—Supply,
c. [153] 1441

RICARDO, Mr. J. L., *Stoke-upon-Trent*
Stade Dues, The, [152] 1172

RICH, Mr. H., *Richmond*
Letters not Pre-paid, [152] 250, 1476
Representation of the People, Leave, [152] 1036
Superannuation, Leave, [152] 155, 1173; Com. *cl.* 11 [153] 382

RICHARDSON, Mr. J., *Lisburn*
Admiralty Returns, [152] 334
Bleaching and Dyeing Works, Leave, [152] 835
India—Military Executions, [152] 400
Mail Service (Galway and America), Papers moved for, [153] 1407, 1587
Manor Courts (Ireland), Com. *cl.* 1, [152] 751; *cl.* 4, 752
Thanksgiving, General—India, [152] 602

RICHMOND, Duke of
Letters, Compulsory Prepayment of, [152] 677
Militia Commission, [152] 247

RIDLEY, Mr. G., *Newcastle-on-Tyne*
Assistant Surgeons in India, [152] 1279
Hong Kong—Government Officers, [153] 12
Merchant Shipping, Com. moved for, [152] 1102
Municipal Elections, Leave, [152] 226; 2R. 736; Com. *cl.* 11, Amend. 1677; Consid. [153] 223
Mutiny, Com. [153] 166
Representation of the People, [153] 249

Rifled Cannon,
c. Question (Sir De L. Evans), [153] 38

Right of Visit,
l. Question (Lord Wodehouse), [152] 314
c. Question (Mr. C. Fortescue), [152] 1057

ROBERTSON, Mr. P. F., *Hastings*
Indian Loans, [152] 507

ROEBUCK, Mr. J. A., *Sheffield*
Danubian Principalities, The, [152] 1291
Mail Service (Galway and America), Papers moved for, [153] 1406
National Gallery—The "Apollo and Marsyas," [153] 819
Occasional Forms of Prayer, 2R. [152] 149
Representation of the People, Leave, [152] 1019; [153] 330, 331; 2R. 1223

ROLT, Mr. J., *Gloucestershire, W.*
Property, Law of, &c., Com. *cl.* 1, [153] 1594

Roman Catholic Oath Bill,
c. Com. moved for (Mr. J. D. FitzGerald), [152] 789, [A. 122, N. 113, M. 9] 832;
Leave, [A. 120, N. 105, M. 15] 833; 1R.* *ib.*

Roman Catholic Sailors,
c. Question (Mr. Serjt. Deasy), [153] 689

Roman States, Evacuation of the
l. Question (Bishop of Oxford), [152] 855; (Earl of Clarendon), 945
c. Observations (Viscount Palmerston), [152] 869

Rothschild, Baron Mayer de, Admission of,
c. Res. (Mr. J. A. Smith), [152] 459

ROUPELL, Mr. W., *Lambeth*
Representation of the People, Leave, [152] 1037

Royal Academy, The
l. Observations (Lord Lyndhurst), [152] 1241
c. Question (Sir H. Willoughby), [152] 182;—see *National Gallery, The*

Rules of Debate—Resolution by way of Amendment,
c. Observations (Sir G. Grey), [153] 1004

RUSSELL, Rt. Hon. Lord J., *London*
Address in Answer to the Speech, [152] 93
Adjournment, Motions on, [152] 510
Ballot, Leave, [153] 1668
Bankruptcy and Insolvency, Leave, [152] 413; 2R. [153] 198, 207; Com. 1141, 1144
British Museum, Com. moved for, [153] 266
"Charles et Georges," [152] 694; Address moved, 1545
Church Rates, Leave, [152] 648
Church Rates Abolition, Com. [153] 530
Conveyance of Voters, 2R. [152] 1164
Dockyard Expenditure, [153] 78

[cont.

Russell, Rt. Hon. Lord J.—*cont.*
East India Loan, [152] 384
Education, Report of Inspectors of, Address moved, [152] 708
Europe, State of—Evacuation of the Roman States, [152] 881; [153] 1546; Statement, 1886
India—Vote of Thanks to the Governor General, &c. [153] 1751
Landed Estates, Title to, Com. [153] 120
Marriage Law Amendment, 2R. [152] 452
Ministerial Statement, [153] 1316, 1327
Navy and Coast Guard, Res. [152] 1304, 1306
Navy Estimates, [152] 219
Oude, Pacification of, [153] 342
Parliament, Dissolution of, [153] 1584
Representation of the People, Leave, [152] 1016; Notice, 1618; [153] 342; 2R. Amend. 389, 408, 708, 722, 871, 1119, 1156, 1263
Representation, The Irish, [152] 1287
Roman Catholic Oath, Com. moved for, [152] 812
Rothschild, Baron Mayer de, Admission of, Res. [152] 461, 462
Supply, [152] 147

Russell, Mr. F. W., *Limerick City*
Mail Service (Galway and America), Papers moved for, [153] 1408, 1587

St. Asaph, Bishop of
Marriage Law Amendment, 2R. [153] 503

St. Davids, Bishop of
Marriage Law Amendment, 2R. [153] 513

St. Germans, Earl of
"Charles et Georges," Papers moved for, [152] 1471
Danubian Principalities, The, [152] 212; [153] 4
Ionian Islands—Sir J. Young, [153] 793
Irish Magistracy, The, [153] 307
Water-Colour Society, [153] 312

St. James Baldersby Marriages Validity Bill,
c. 1R.* [153] 92;
2R. 221; 3R.* 330
l. 1R.* 386; 2R.* 1528; 3R.* 1617
Royal Assent, 1897

St. James's Park,
c. Question (Mr. Kinnaird), [152] 1276; [153] 1560

St. Leonards, Lord,
Chancery, Court of—The New Courts, [153] 1597
Debtor and Creditor, 2R. [152] 949; Com. *cl.* 93, 1268; Rep. *add. cl.* [153] 6, 9
Irish Magistracy, The, [153] 307
Land, Sale and Purchase of, [152] 679, 685, 689
Marriage Law Amendment, 2R. [153] 501
Property, &c. Law of, 3R. [152] 468, 469
Water-Colour Society, [153] 308

Salisbury, Marquess of, (President of the Council)
Vaccination, [152] 1343

Salisbury, Mr. E. G., *Chester*
Indian Despatches, [153] 388, 528, 821
Mersey Docks and Harbour, 2R. [152] 396
Municipal Elections, Com. *cl.* 11, [152] 1677; *cl.* 13, 1678
Proctors, Compensation to, [153] 33
Welsh Justice—Baron Bramwell, [153] 1557

Salomons, Mr. Ald. D., *Greenwich*
Railway Tickets Transfer, Com. *cl.* 3, [153] 1614, 1617
Representation of the People, 2R. [153] 442
Superannuation, Com. *cl.* 1, [153] 376; *cl.* 13, 1388
Thames Conservancy, [153] 352
Woolwich Exemption, 2R. [152] 600

Samuelson, Mr. B., *Banbury*
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1052

Sardinia—Enrolment of Deserters,
c. Question (Mr. Bowyer), [152] 1474

Savings' Banks,
c. Question (Mr. Greer), [152] 220; (Mr. Hankey) 335

Savings' Banks, (Ireland) Act Continuance Bill
c. 1R.* [153] 243; 2R.* 387; 3R.* 1299
l. 1R.* [153] 1380; 2R.* 1474; 3R.* 1688
Royal Assent, 1898

Schneider, Mr. H. W., *Norwich*
Church Rates Abolition, [153] 24
Marriage Law Amendment, 2R. [152] 434

Schools, Endowed, Bill,
c. Leave, [152] 150; 1R.* 151

Schools, Endowed, (No. 2) Bill,
c. Leave, [152] 1113; 1R.* 1114;
2R. Postponed, [153] 1157;
Bill withdrawn, 1652

Schools, Endowed, (Ireland)
c. Question (Mr. Serj. Deasy), [152] 508

Scotland,
Aberdeen Universities, c. Question (Mr. S. Estcourt([153] 1860
Annuity Tax, c. Question (Mr. Black), [152] 1053; [153] 825
Billeting in, c. Question (Mr. Cowan) [153] 11; —see *Mutiny Bill*
Capitation Grant for Schools, Extension of, c. Question (Sir A. Agnew), [152] 1472
Charitable Institutions, c. Question (Mr. Mackie), [152] 1170
Deeds, Stamps on, c. Question (Mr. Dunlop) [153] 247
Education, l. Question (Earl of Airlie), [152] 501
c. Res. (Visct. Melgund), 491; Motion neg. [152] 497; Question (Sir W. Dunbar), 767
Excisable Liquors, c. Com. moved for, (Visct. Melgund), [152] 1202; Address moved (Sir

[*cont.*

Scotland—cont.
A. Agnew), 1209; Her Majesty's Answer, 1348
Herring Fisheries, *c.* Question (Mr. Finlay), [152] 1272
Licensing System, *c.* Question (Sir A. Agnew) [153] 912
Lunacy Law, *c.* Question (Mr. Baxter), [152] 248
Public Houses, *c.* Question (Sir A. Agnew) [153] 1430
Receipt Stamps, Allowance on, *c.* Question (Mr. Cowan) [153] 245
Reform Bill for, *c.* Question (Sir J. Ogilvy), [152] 333; (Mr. Baxter), 858
Registers of Titles, *c.* Question (Mr. Caird), [152] 1170
Spirituous Liquors, Sale of, *c.* Question (Visct. Melgund) [152] 143, 606
See
County Voters (Scotland), Registration of, Bill
Edinburgh, &c. Annuity Tax Bill
Land, Titles to, (Scotland) Bill
Married Persons (Scotland) Bill
Trial by Jury (Scotland) Bill

Scott, Hon. F., *Berwickshire*
Edinburgh, &c. Annuity Tax, 2R. [153] 657

Search, Right of
l. Question (Lord Wodehouse), [152] 314
c. Question (Mr. C. Fortescue), [152] 1057

Seaton, Sir Henry
c. Question (Col. Freestun) [153] 1729

Select Vestries Bill,
l. 1R.* [152] 1

Serpentine, Clearing of the
c. Question (Sir J. Shelley), [152] 1474

Seymer, Mr. H. K., *Dorsetshire*
Representation of the People, 2R. [153] 433

Shaftesbury, Earl of
Indictable Offences (Metropolitan Districts), 1R. [152] 1616
Recreation Grounds, 2R. [153] 1382
Travancore, Disturbances in, Postponement of Motion, [153] 1829
Vaccination, [152] 1344

Shelley, Sir J. V., *Westminster*
Ballot, Leave, [153] 1660
British Museum, Com. moved for, [153] 259, 264
Conveyance of Voters, 2R. [152] 1160
Municipal Elections, Consid., [153] 224
Representation of the People, 2R. [153] 1263
St. James's Park, [152] 1277
Serpentine, Clearing of the, [152] 1474

Sheridan, Mr. H. B., *Dudley*
Fire Insurances, Leave, [153] 295
Paul and Strahan, Case of, [152] 141

Shipping, British
l. Petition (Earl Grey) [153] 903

Shipping Interest—Passing Tolls,
l. Question (Lord Stanley of Alderley), [152] 384

Singapore,
l. Petition (Lord Stanley of Alderley), [152 1602

Sittings of the House,
c. Res. (Mr. W. Ewart), [152] 190, [A. 28, N. 237, M. 209] 195

Slaney, Mr. R. A., *Shrewsbury*
British Museum, Com. moved for, [153] 264
East India Loan, Report, [152] 660
Highways, 2R. [152] 346
Landed Estates, Title to, Com. [153] 95
Representation of the People, 2R. [153] 1185
Resting Places for Porters and Drinking Fountains, [152] 400

Slave Trade—The "Phœnix"
c. Question (Mr. Kinglake), [153] 689

Slavery—Cuba Slave Trade,
l. Address moved (Lord Brougham), [152] 387

Smith, Rt. Hon. R. V., *Northampton*
Church Rates, [152] 1351
East India Loan, [152] 382; Res. 563, 567; 3R. [153] 1353
India, Native Princes of, [152] 273;—The Legislative Council of, [153] 818, 819, 1547; —Vote of Thanks to the Governor General, &c., 1752
Municipal Elections, Consid. [153] 223
Roman Catholic Oath, Com. moved for, [152] 828
Travancore, Disturbances in, [153] 1806

Smith, Maj. Gen. Sir J. M. F., *Chatham,*
Army Estimates, [152] 1333, 1334, 1410, 1412, 1414
Local Assessment Exemption Abolition, Leave, [152] 674
Ministerial Explanations, [153] 1333, 1339
Navy and Coast Guard, Res. [152] 1309
Superannuation, Leave, [152] 156; Com. *cl.* 1, [153] 377

Smith, Mr. A., *Truro*
Army Estimates, [152] 1333
Education, Res. [152] 492

Smith, Mr. J. A., *Chichester*
Rothschild, Baron Mayer de, Admission of, Res. [152] 460, 462

Smith, Mr. J. B., *Stockport*
Dhar, Principality of, [152] 693

Smithfield,
c. Question (Mr. T. Duncombe), [152] 605

Smyth, Col. J. C., *York City,*
"General Simpson," The Troop Ship, [152] 220
Representation of the People, 2R. [153] 951

SOLICITOR GENERAL, The, (Sir H. M. Cairns), *Belfast*
Bankruptcy and Insolvency, Com. [153] 1143
Charitable Uses, 2R. [153] 1148
"Charles et Georges," Address moved, [152] 1553
County Prisons (Ireland), Return moved for, [152] 837
Evidence by Commission, Leave, [152] 715
Joint-Stock Companies, Leave, [152] 1477
Landed Estates, Title to, Leave, [152] 277, 313; Com. [153] 112, 122, 129
Landlord and Tenant (Ireland), Return moved for, [152] 232
Lands, Titles and Registration, [152] 858; 2R. 1044
Law Ascertainment, 2R. [153] 1140
Lunacy Regulation Act (1858) Amendment, Leave, [153] 482, 619
Newspapers, &c., Leave, [152] 490; Com. [153] 383, 1526
Railway Tickets Transfer, Com. *cl.* 3, [153] 1614
Real Estate Intestacy, Leave, [152] 482; 2R. 1129, 1134
Representation of the People, 2R. [153] 599, 751; Explanation, 814, 1155

SOMERSET, Duke of,
Local Government, 2R. [153] 1773
Post Office—Unpaid Letters, Papers moved for, [152] 759
Red Sea and India Telegraph Company (No. 2) 3R. [153] 1777
Thames Watermen and Lightermen, Re-com. [153] 1622

SOMERVILLE, Rt. Hon. W. M., *Canterbury*
Lunatic Poor (Ireland) Com. [153] 216

SPAIGHT, Mr. J., *Limerick City*
Mail Service (Galway and America) Papers moved for, [153] 1404
Manor Courts (Ireland), Com. *cl.* 1, [152] 750, 751; *cl.* 4, 755; Re-com. *cl.* 1, 1240
Markets (Ireland), 2R. [152] 665; Com. *cl.* 29, [153] 1148
Merchant Shipping, Com. moved for, [152] 1112

SPEAKER, The, (Rt. Hon. J. E. Denison), *Nottinghamshire, N.*
Church Rates Abolition, [153] 244
Conveyance of Voters, 2R. [152] 1158, 1160
Guano, Supply of, [152] 533
Higgins, Mr., Appointment of, [152] 336
Huntingdonshire Magistracy, [153] 336
India—Acknowledgment of Vote of Thanks to the Civil Service, &c. [152] 57
National Gallery—The "Apollo and Marsyas," [153] 819
Navy, State of the, Papers moved for, [153] 303
Parliament, Dissolution of, [153] 1422
Parliamentary Reform, [152] 140
Regimental Quartermasters, Address moved, [153] 272
Representation of the People, Leave, [152] 1036; [153] 331, 333; 2R. 839, 941, 1154, 1155

[*cont.*

SPEAKER, The—*cont.*
Rothschild, Baron, Mayer de, Admission of, Res. [152] 462
Rules of Debate—Resolutions by way of Amendment, [153] 1005
Travancore, Disturbances in, [153] 1807
Troops at Trinidad, [153] 817
Worcester County (Eastern Division) Writ, [152] 855, 856

SPOONER, Mr. R., *Warwickshire, N.*
Business, Public, [153] 1385
"Garden of the Soul," [152] 220
Maynooth, [153] 1346, 1384
Oaths Act Amendment, Com. *cl.* 1, Amend. [153] 220, 221
Roman Catholic Oath, Com. moved for, [152] 830
Statute Law, Consolidation of the, [153] 1549

Stade Dues,
l. Question (Earl of Clarendon), [153] 167
c. Question (Mr. Clay), [152] 143; (Mr. J. L. Ricardo), 1172

Stamps on Patents of Appointments,
c. Question (Mr. W. Williams), [153] 1300, 1808

STANHOPE, Earl
Local Government, 2R. [153] 1773
Royal Academy, The, [152] 1254

STANHOPE, Mr. J. B., *Lincolnshire, N.*
Church Rates, 2R. Adj. moved, [152] 1598
Representation of the People, 2R. [153] 567

STANLEY, Rt. Hon. Lord, (Secretary of State for India), *King's Lynn*
Address in Answer to the Speech, Report, [152] 110, 115
Army Estimates, [153] 1519, 1520, 1521, 1522
Calpee, Battle of, [152] 1350
Cawnpore, Action at, [153] 1727
Delhi and Lucknow, [153] 387
Dhar, Principality of, [152] 693
East India Loan, Notice, [152] 346, 381, 382, 383; Res. 534, 566, 567, 588; 2R. 1352, 1355, 1390; Com. *cl.* 1, [153] 86; 3R. 1346, 1380
"General Simpson," The Troop Ship, [152] 221
India—Army Chaplains, [152] 142;—Affairs of, 188;—Native Princes of, 275;—Military Executions, 400;—Reorganization of the Army, 471; [153] 248;—Loans, [152] 508;—New Territories, 692;—Transit of Troops for, 964;—Assistant Surgeons in, 1280;—Artillery, [153] 347, 1651; Despatches to and from Lord Canning, 388, 528, 823;—Legislative Council, 821, 1548;—Financial Despatches, Address moved, 1044;—Finance, 1566;—Office, *ib.*;—Gold in, 1609;—The Tariff, 1728, 1810;—Vote of Thanks to the Governor General, &c., 1729
Indian Navy, Masters of the, [153] 914
Meerut, Court Martial at, Papers moved for, [152] 199
Native Infantry, Destruction of the 26th, [153] 157
Oude, Pacification of, [153] 345

[*cont.*

Stanley, Rt. Hon. Lord—*cont.*
Persian Expedition, [152] 471
Representation of the People, 2R. [153] 405, 446
Seaton, Sir Henry, [153] 1729
Thanksgiving, General—India, [153] 602
Travancore, Disturbances in, [153] 23, 1809
Yeh, Commissioner, [153] 249

Stanley of Alderley, Lord
China, Salt Trade to, [153] 1264
Companies Act (1859), Re-com. [153] 686
Galway Port and Harbour, [152] 679
Ionian Islands, The, [152] 468
Mails, The Irish, [153] 1605
Montenegro, [153] 243
Navy, Manning the, [152] 756
Railway Tickets Transfer, 3R. [153] 1298
Red Sea and India Telegraph Company (No. 2), 3R. [153] 1773, 1778, 1828, 1829
Shipping Interest—Passing Tolls, [152] 384
Singapore, [152] 1602, 1609
Telegraph Companies, Contracts with, Papers moved for, [153] 88
Telegraph from Naples to Malta, [152] 1262
Thames Watermen and Lightermen, Recom. [153] 1622

Stanley, Hon. W. O., *Beaumaris*
Confidence, Vote of Want of, Withdrawal of Notice, [153] 912
Representation of the People, 2R. [153] 1087

Stapleton, Mr. J., *Berwick-on-Tweed*
Adjournment, Motions on, [152] 511
Business of the House, [152] 607
Danubian Principalities, The, [152] 1288

Stationery, Contracts for,
c. Question (Mr. Turner), [153] 690

Statute Law Commission,
c. Returns moved for (Mr. L. King), [152] 226; Amend. (Mr. Walpole), 227

Statute Law, Consolidation of the,
c. Question (Mr. Spooner), [153] 1549

Steuart, Mr. A., *Cambridge*
Church Rates Abolition, 2R. [153] 174
Conveyance of Voters, 2R. [152] 1158, 1161
Edinburgh, &c. Annuity Tax, 2R. [153] 644
Marriage Law Amendment, 2R. [152] 446
Municipal Elections, Com. *add. cl.* [152] 1681
Postage, Colonial, [152] 514
Representation of the People, Leave, [152] 1013; [153] 249
Superannuation, Com., *cl.* 13, Amend. [153] 1389

Stirling, Mr. W. *Perthshire*
British Museum, Com. moved for, [153] 385

Stuart, Lord P. J. H. C., *Ayrshire*
Excisable Liquors (Scotland), Com. moved for, [152] 1217

Sturt, Mr. H. G., *Dorsetshire*
Representation of the People, 2R. [153] 424

Sugar Duties,
c. Question (Mr. Hankey), [152] 222

Sullivan, Mr. M., *Kilkenny*
Education (Ireland), Order Discharged [153] 1412
Mail Service (Galway and America), Papers moved for, [153] 1410

Summary Commitments,
c. Question (Mr. Drummond), [153] 339

Superannuation Allowances,
c. Question (Sir H. Willoughby), [152] 1173

Superannuation Bill,
c. Leave, [152] 151; 1R.* 156;
2R. 592;
Question (Mr. Nicoll), 1054;
Com. [153]; 353; Amend. (Sir H. Willoughby) 364, [*o. q.* A. 131, N. 29, M. 102] 375;
cl. 1. Amend. (Mr. Grogan) 375; Amend, withdrawn, 378;
cl. 2 Amend. (Mr. G. Clive) 378; Amend. neg. *ib.*;
cl. 7, Amend. (Sir F. Baring), [*o. q.* A. 161, N. 88, M. 73] 379;
cl. 8, withdrawn, 380;
cl. 11, Amend. (Sir G. Lewis) 381, [A. 100, N. 156, M. 56] 382;
cl. 13, Amend. (Mr. Cogan) 1387, [*o. q.* A. 147, N. 128, M. 19] 1389; Amend. (Mr. Steuart), [A. 50, N. 203, M. 153] 1390; *cl.* neg. 1395
add. cl. (Sir S. Northcote), 1395;
add. cl. (Mr. Grogan), 1396, [A. 18, N. 113, M. 95, 1397;
3R. 1522
l. 1R.* [153] 1528; 2R.* 1617; 3R.* 1772
Royal Assent, 1898

Supply,
c. [152] 147, 211
Army Estimates, [152] 1310, 1401, 1404, 1408; [153] 1515
Civil Services, [153] 1441; Amend. (Mr. Lindsay, 1442; Amendment withdrawn, 1443
Exchequer Bills, [153] 1441
Exchequer Bonds, [153] 1434
Navy Estimates, [152] 882, 1407; [153] 84, 129; Amend. (Mr. W. Williams), 131; Motion neg., 146, 160, 1445, 1511
Revenue Department, [153] 1441

Surveyors of Taxes,
c. Question (Major Gen. Buckley), [152] 769

Sykes, Col. W. H., *Aberdeen City*
Aberdeen Universities, [153] 1861
Address in Answer to the Speech, Report, [152] 115
Army Estimates, [152] 1331; [153] 1518, 1521
Colonies, The, [152] 473
East India Loan, [152] 381; Res. 590; 3R. [153] 1377
India — Re-organization of the Army, [152] 471;—Vote of Thanks to the Governor General, & ., [153] 1763

[*cont.*

SYKES, Col. W. H.—*cont.*
Meerut, Court Martial at, Papers moved for, [152] 195, 199
Navy and Coast Guard, Res. [152] 1308
Navy Estimates, [153] 133
Persian Expedition, The, [152] 471
Representation of the People, Leave, [152] 1011
Superannuation, Com. [153] 369
Supply—Exchequer Bonds, [153] 1440

Tea, Damaged,
c. Observations, (Mr. Ayrton), [153] 1413

Telegraph Companies, Subsidies to,
l. Question (Lord Wodehouse), [152] 1254;—*Contracts with,* Papers moved for, (Lord Stanley of Alderley), [153] 88
c. Question (Lord C. Paget), [152] 402

Telegraphic Communication—see *Alexandria—Atlantic—Naples*

TEMPEST, Lord A. F. Vane, *Durham, N.*
Land Transport Corps, [152] 334
Military Organization, Nomination of Com. [153] 384
Representation of the People, 2R. [153] 960

TEYNHAM, Lord
Debtor and Creditor, Com. *cl.* 2, [152] 1264, 1265
Thames Watermen and Lightermen, Re-com. [153] 1620

Thames Conservancy Board,
c. Question (Gen. Codrington), [152] 857; (Mr. Ald. Salomons), [153] 352

Thames Watermen and Lightermen Bill,
l. 1R.* [152] 210; 2R.* 756;
Recom. [153] 1617; Amend. (Lord Redesdale, [*o. q.* Contents 13, Not-Contents 28, M. 15] 1623;
Explanation (Lord Ebury), 1688

Thanksgiving, General—India,
l. Question (Duke of Marlborough), [152] 853
c. Question (Mr. Richardson), [152] 602; (Sir H. Verney), [153] 813

THOMPSON, Major Gen. T. P., *Bradford*
Conveyance of Voters, Leave, [152] 726
Europe, State of, Statement, [153] 1893
Government Offices, The New, [152] 270
Marriage Law Amendment, 2R. [152] 445
Native Infantry, Destruction of the 26th, [153] 155
Real Estate Intestacy, 2R. [152] 1146

TITE, Mr. W., *Bath*
Drainage, Metropolitan [153] 93
Foreign Office, The New, [152] 521
Government Offices, The New, [152] 260
Lunatics, Com. moved for, [152] 403, 412
St. James's Park, [152] 1277
Woolwich Exemption, 2R. Amend. [152] 601

Titles to Land (Scotland) Bill,
c. 1R.* [153] 527

Title to Landed Estates Bill,
c. Leave, [152] 277; 1R.* 313;
Question (Mr. Hadfield), 858;
2R. 1044
Com. [153] 95

TOLLEMACHE, Mr. J., *Cheshire, S.*
Mersey Docks and Harbour, 2R. Amend. [152] 395

Tolls on Bridges (Metropolis),
c. Address moved (Mr. Alcock), [152] 734; Motion withdrawn, 735

Tolls Turnpikes and Bridges,
c. Commission moved for (Mr. Alcock), [152] 431;
House counted out, 432

Trading Companies Winding-up Bill,
l. 1R.* [152] 215; 2R.* 1415;—see *Companies Act* (1859) *Bill*

Tramways (Ireland) Bill,
c. 1R.* [152] 140;
2R. 433; 3R.* [153] 1508
l. 1R.* [153] 1528

TREFUSIS, Hon. C. H. R., *Devon, N.*
Address in Answer to the Speech, [152] 58

TRELAWNY, Sir J. S., *Tavistock*
Army Estimates, [152] 1328
Church Rates, Leave, [152] 629, 659; 2R. Amend. 1567
Church Rates Abolition, [152] 187; Leave, 199, 200, 201; 2R. 1682, 1684; [153] 194; Com. 530, 531, 1043
Household Infantry, Com. moved for, [153] 276, 292
Parliament, Dissolution of, [153] 1422

Trial by Jury (Scotland) Bill,
c. Leave, [152] 788; 1R.* 855;
2R. [153] 1120

Trinidad, Troops at,
c. Observations, (Sir De L. Evans [153] 246, 817, 1151, 1802

Trustees Relief—see *Property, Law of, Bill*

TURNER, Mr. J. A., *Manchester*
Army Clothing, Commission on, [152] 524
Bleaching and Dyeing Works, Leave, [152] 835
Mersey Docks and Harbour, 2R. [152] 399
Mersey Docks and Liverpool Corporation Rating, 2R. [152] 1051, 1052
Municipal Elections, Consid. [153] 222, 223
Stationery, Contracts for, [153] 690

Turnpike Tolls and Bridges,
c. Commission moved for (Mr. Alcock), [152] 431; House counted out, 432

Vaccination,
- *l.* Question (Earl Granville), [152] 1341
- *c.* Question (Mr. Monsell), [153] 35

VANCE, Mr. J., *Dublin City*
- Bankruptcy and Insolvency, 2R. [153] 201; Com. 1143
- Kingstown Harbour, [152] 1349
- Mail Service (Galway and America), Papers moved for, [153] 1401
- Manor Courts (Ireland), Com. *cl.* 4, [152] 752
- "Phœnix Society" Trials, [153] 1550
- Poor Relief (Ireland) Act Amendment, Leave, [152] 1566
- Probate Court, Officers of the, [153] 1153
- Representation of the People, Leave, [152] 1011
- Representation, The Irish, [152] 1286
- Superannuation, Com. *cl.* 1, [153] 375; *add. cl.* 1396

VANE, Lord H. G., *Durham, S.*
- Navy Estimates, [153] 139
- Real Estate Intestacy, Leave, [152] 483; 2R, 1144
- Representation of the People, 2R. [153] 856
- Wood, Colonial and Foreign, Res. [152] 1200

VANSITTART, Mr. W., *Windsor*
- East India Loan, Res. [152] 571; 3R. [153] 1355
- India—Colonization and Settlement, Com. moved for, [152] 210;—Vote of Thanks to the Governor General, &c., [153] 1760
- Representation of the People, 2R. [153] 527
- Superannuation, Com. *cl.* 13, [153] 1391

VERNEY, Sir H., *Buckingham*
- Europe, State of the, Statement, [153] 1895
- Household Infantry, Com. moved for, [153] 287
- Navy Estimates, [153] 132
- Newfoundland Fisheries, Papers moved for, [152] 1676
- Thanksgiving, Day of, [153] 813

Vexatious Indictment Bill,
- *l.* 1R.* [152] 104; 2R. 1045; 3R. [153] 1149
- *c.* 1R.* [153] 1625; Bill withdrawn, 1687

VILLIERS, Rt. Hon. C. P., *Wolverhampton*
- India, Gold in, [153] 1609

VIVIAN, Lord
- Thames Watermen and Lightermen, Re-com. [153] 1621

VIVIAN, Hon. Capt. J. C. W., *Bodmin*
- Army Estimates, [152] 1330; [153] 1517
- Army—Recruiting, [152] 508
- Commissions, Sale of, [153] 1555
- Military Organization, Com. moved for, [152] 1644, 1653; Nomination of Com. [153] 383, 384

Voters, Conveyance of, Bill
- *c.* Leave, [152] 716; 1R.* 732

WALCOTT, Rear Adm. J. E., *Christchurch*
- India—Vote of Thanks, to the Governor General, &c., [153] 1808
- Navy and Coast Guard, Res. [152] 1309
- Navy Estimates, [152] 934; [153] 135, 1454

WALPOLE, Rt. Hon. S. H. (†Secretary of State for the Home Department), *Cambridge University*
- Beer Houses, &c., [152] 1350
- †Church Rates, Leave, [152] 610, 619, 656, 1352; 2R. 1593
- †Church Rates Abolition, [152] 187; Leave, 201
- †Church Rates Commutation, 2R. [152] 738
- †Conveyance of Voters, Leave, [152] 719, 722, 723
- †County Prisons (Ireland), Return moved for, [152] 838
- †East India Loan, [152] 383
- †Ecclesiastical Commission, Leave, [152] 314, 1475
- †Education, Reports of Inspectors of, Address moved, [152] 710
- †Endowed Schools, Leave, [152] 150
- †Evidence by Commission, Leave, [152] 716
- †India,—Colonization and Settlement, Com. moved for, [152] 211
- Jersey, Laws of, Address moved, [153] 298
- Jews, Leave, [152] 1187; Amend. 1188; Report, [153] 1766
- †Landed Estates, Title to, Leave, [152] 309; Com. [153] 109
- †London Corporation, Reform of the, [152] 144
- †Lunatics, Com. moved for, [152] 405
- †Magistrates' Clerks, Fees to, [152] 606
- †Manor Courts (Ireland), Com. *cl.* 4, [152] 755
- †Marriage Law Amendment, 2R. [152] 448
- Ministerial Resignations, Explanation, [152] 1058
- †Municipal Elections, 2R. [152] 738
- †Navy, Manning the, [152] 771
- †Occasional Forms of Prayer, Leave, [152] 117; 2R. 148, 150
- †Paul and Strahan, Case of, [152] 142
- †Poisons, Sale of, Leave, [152] 205
- Representation of the People, 2R. [153] 753
- †Resting Places for Porters, and Drinking Fountains, [152] 400
- †Roman Catholic Oath, Com. moved for, [152] 826
- †Savings' Banks, [152] 220
- †Sittings of the House, Res. [152] 193
- †Smithfield, [152] 605
- †Spirituous Liquors, Sale of, (Scotland), [152] 143, 606
- †Statute Law Commission, Returns moved for, Amend. [152] 227, 228
- †Tolls on Bridges (Metropolis), Address moved, [152] 734
- †Yorkshire, Assizes in, [152] 401

WALSH, Sir J. B., *Radnorshire*
- Europe, State of, Statement, [153] 1893
- Huntingdon Magistracy, [153] 21
- Representation of the People, 2R. [153] 1085

WALTER, Mr. J., *Nottingham*
- Marriage Law Amendment, 2R. [152] 456
- Real Estates Intestacy, 2R. [152] 1159
- Representation of the People, 2R. [153] 1202

WARRE, Mr. J. A., *Ripon*
Army Estimates, [152] 1405

WARREN, Mr. S., *Midhurst*
Barrack Masters, [152] 249
Education and Christianity in India, [152] 773

Water-Colour Society,
l. Question (Lord St. Leonards), [153] 308

Ways and Means,
c. Com. [153] 85

Weedon Commission, The
c. Question (Mr. Nicoll), [152] 187; Observations (Mr. Turner), 524

WEGUELIN, Mr. T. M., *Southampton*
Superannuation, 3R. [153] 1523

Weights and Measures Act Amendment Bill,
c. 1R.* [153] 527

Welsh Justice—Baron Bramwell
c. Observations (Mr. Salisbury), [153] 1557; Reply (Mr. S. Estcourt) 1587

WENSLEYDALE, Lord
"Charles et Georges," Papers moved for, [152] 1469
Debtor and Creditor, 2R. [152] 960; Com. *cl.* 1, 1263; *cl.* 111, 1268; *cl.* 141, 1269; Rep. [153] 5, 6; 3R. 235
Indictable Offences (Metropolitan Districts), 1R. [152] 1617; 3R. [153] 1538
Juries in Civil Causes, 2R. [153] 1025; Amend. 1038
Medical Act (1858) Amendment, Commons' Reasons, [153] 1624
Vexatious Indictments, 2R. [152] 1046

WESTERN, Mr. T. S., *Maldon*
Representation of the People, 2R. [153] 1194

WESTHEAD, Mr. J. P. B., *York City*
Militia, Disembodiment of the, [152] 1620
Representation of the People, 2R. [153] 1009, 1075

West Indies,
c. Com. moved for (Mr. Buxton), [152] 1219; Motion withdrawn, 1237

Westminster New Bridge Bill,
c. 1R.* [153] 1415;
Motion (Lord J. Manners), 1545;
2R. 1793

WHITBREAD, Mr. S., *Bedford*
Navy Estimates, [152] 932;—State of the, Papers moved for, [153] 303

WHITE, Mr. J., *Plymouth*
Conveyance of Voters, 2R. [152] 1162
Reform Bill, The, [153] 10

WHITESIDE, Rt. Hon. J. (Attorney General for Ireland), *Enniskillen*
Bankruptcy Court (Ireland)—Mr. H. C. James, [152] 1282
Belfast, The late Trials at, [153] 1811, 1818, 1819
Chancery, Receivers in, (Ireland) Abolition, Leave, [152] 161; 2R. 743, 744
County Prisons (Ireland), Return moved for, [152] 837
Criminal Law (Ireland), [152] 857
Elections, 2R. [152] 741
Juries (Ireland), 2R. [152] 741
Land, Sale and Transfer of, (Ireland), Leave, [152] 157, 161
Landlord and Tenant (Ireland), [152] 856
Lombardo-Venetian Question, Explanation, [153] 915, 1007
Manor Courts, &c. (Ireland), Leave, [152] 156, 157; Com. 741, 745; Res. 748, 749; *cl.* 1, 749, 750; *cl.* 4, 752; Amend. 753, 754; *cl.* 5, 755; Re-com. *cl.* 1, 1239, 1241
Markets (Ireland), 2R. [152] 664
Nixon, Rev. Mr., Attempted Murder of, [152] 603
Offences against the Person, Leave, [153] 1772
Poor Relief, (Ireland) Act Amendment, 2R. [153] 677
Real Estate Intestacy, 2R. [152] 1148
Representation of the People, 2R. [153] 885
Roman Catholic Oath, Com. moved for, [152] 804
Superannuation, 2R. [152] 595
Tenant Right (Ireland), [152] 1273

WILLIAMS, Major Gen. Sir W. W., *Calne*
Army Estimates, [152] 1338
Household Infantry, Com. moved for, [153] 290
Regimental Quartermasters, Address moved, [153] 273

WILLIAMS, Mr. W., *Lambeth*
Army Estimates, [152] 1320, 1334, 1335, 1336, 1341, 1402, 1404, 1410, 1412, 1413; [153] 1515
Audit of Accounts, [152] 258
Consolidated Fund Appropriation, 2R. [153] 1651
Consular Service, The, [153] 1563
Drainage, Metropolitan, [153] 93
Education, Res. [152] 496
Exchequer Bills, Res. [152] 1639
Mail Contracts, [153] 1433
Manor Courts (Ireland), Com. [152] 741, 743; Res. 748; *cl.* 4, 754
Municipal Elections, Consid. [153] 223
Navy Estimates, [152] 883, 944; [153] 83; Amend, 129
Sittings of the House, Res. [152] 194
Stamps on Patents of Appointments [153] 1300, 1808
Superannuations, Com. [153] 364, 367; *cl.* 13, 1393, 1394; *add. cl.* 1397
Supply—Exchequer Bonds [153] 1435, 1439 1511

WILLOUGHBY, Sir H. P., *Evesham*
Army Estimates, [152] 1288;—Supply, 1321, 1332, 1401, 1404, 1407, 1409, 1414; [153] 1518

[*cont.*

Willoughby, Sir H. P.—*cont.*
Audit of Accounts, [152] 259
China, Naval Expenditure in, [153] 1430
Consolibated Fund Appropriation, 2R. [153] 1651; 3R. 1765
East India Loan, [152] 380; Res. 582; 3R. [153] 1379
Europe, State of, Statement, [153] 1896
Exchequer Bills, Res. [152] 1627
Higgins, Mr., Appointment of, [152] 336
National Gallery, The, [152] 182
Naval Medical Annuities, &c. 3R. [153] 1611
Navy Estimates, [153] 132, 1448
Railway Tickets Transfer, Com. *cl.* 3, [153] 1613
Representation of the People, [153] 1154
Superannuation, Leave, [152] 154; 2R. 592; Com. Amend. [153] 362; *cl.* 2, 379; 3R. 1522
Superannuation Allowances, [152] 1173
Supply—Exchequer Bonds, [153] 1435, 1440; —Civil Services, 1441, 1443
Ways and Means, [153] 85
Westminster New Bridge, [153] 1545; 2R. 1793

Wilson, Mr. J., *Devonport*
Agricultural Statistics, Res. [152] 787
Army Estimates, [152] 1175, 1404
County Courts, 2R. [153] 87
East India Loan, 2R. [152] 1382
Exchequer Bills, Res. [152] 1643
Excisable Liquors (Scotland), Com. moved for, [152] 1214
Government Property, Rating of, [152] 403
Harbours of Refuge, [152] 143
India—The New Tariff, [153] 1802
Local Assessment Exemption Abolition, Leave, [152] 673
Mail Contracts, [153] 1434
Manor Courts (Ireland), Com. [152] 747; *cl.*1, 750
Merchant Shipping, Com. moved for, [152] 1109
Ministerial Statement, [153] 1341
Navy Estimates, [153] 1513
Representation of the People, 2R., Adj. moved [153] 481, 531, 623
Superannuation, Leave, [152] 152; 2R. 592; Com. [153] 368; *cl.* 1, 376, 377; *cl.* 11, 382 *cl.* 13, 1389, 1393, 1395
Supply—Exchequer Bonds, [153] 1435, 1439; —Civil Services, 1441
Wood, Colonial and Foreign, Res. [152] 1197

Winchilsea, Earl of
Address in Answer to the Speech, [152] 6

Wise, Mr. J. A., *Stafford*
Foreign Office Messengers, [153] 347
Japan, Consular Appointments in, [152] 508, 509, 694, 866

Witnesses, Remuneration to
c. Question (Mr. Powell) [153] 691

Wodehouse, Lord
"Charles et Georges," Papers moved for, [152] 1415, 1438, 1462, 1472

Wodehouse, Lord—*cont.*
Marriage Law Amendment, 2R. [153] 483, 494, 524, 525
Red Sea and India Telegraph Company (No. 2) 3R. [153] 1776
Search, Right of, [152] 314
Telegraph from Naples to Malta, [152] 1254

Wood, Rt. Hon. Sir C., *Halifax*
Dockyard Expenditure, [153] 72
East India Loan, [152] 380, 381, 382; Res. 538; 3R. [153] 1363
Navy Estimates, [152] 913, 944; [153] 146, 161, 162, 1455, 1462, 1468, 1469;—State of the, Papers moved for, 303
Representation of the People, 2R. [153] 449
Supply—Exchequer Bonds, [153] 1438;—Civil Services, 1443

Wood, Colonial and Foreign
c. Res. (Mr. Mitchell), [152] 1189, [A. 77, N. 133, M. 56] 1202

Woolwich, Competitive Examinations at
c. Question (Mr. Monsell), [153] 1822

Woolwich Exemption Bill,
c. 1R.* [152] 140;
2R. 600; Amend. (Mr. Tite), 601

Worcester County (Eastern Division) Writ,
c. Observations (Mr. Speaker), [152] 855; Return amended, 856

Wortley, Rt. Hon. J. S., *Buteshire*
Atlantic Telegraph, [152] 965
Church Rates Abolition, 2R. [153] 186; Observations, 243, 244, 245
Representation of the People, 2R. [153] 861
Trial by Jury (Scotland), 2R. [153] 1133

Wyld, Mr. J., *Bodmin*
Army Estimates, [152] 1338
Atlantic Telegraph Company, [152] 857
Lunatic Asylum, Kingston, Jamaica, [153] 247
Newfoundland Fisheries, Papers moved for, [152] 1674
Representation of the People, 2R. Amend. [153] 1261

Wynford, Lord
Recreation Grounds, 2R. [153] 1382

Wyvill, Mr. M., *Richmond*
Representation of the People, 2R. [153] 1199

Yeh, Commissioner
c. Question (Mr. Crawford), [153] 249

Yorkshire, Assizes in,
c. Question (Mr. Charlesworth), [152] 400

Young, Mr. A. W., *Great Yarmouth*
Evidence by Commission, Leave, [152] 715
Navy and Coast Guard, Res. [152] 1296

END OF VOL. CLIII. AND LAST OF SESSION 1859 (*a*).

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